

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 1, 2004—9:30 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Since it is April Fool's Day, I decided to rerun a prayer on humor which I prayed
eighteen years ago. I hope You don't mind my sharing it with You again.

Some people seem to think, O God,
You don't approve of laughter.
They were delivered with a frown,
And they've been frowning ever after.

These same people seem to think
That humor is a sin;
Especially when praying,
It's blasphemy to grin!

But I have found that when I suffer
From a sour disposition,
A little humor in my praying
Puts the blues into remission.

And You have done Your part, Dear Lord,
To make Your humor clearer.
All I have to do is take
A quick look in the mirror!

I pray in the Name of Jesus,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to Committee as indicated:
Public Health and Welfare: **SR 1840**.

CHANGE OF REFERENCE

The President withdrew **SB 550** from the calendar under the heading of General Orders
and rereferred the bill to the Committee on Education.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Vratil moved the Senate concur in house amendments to **SB 197**.
SB 197, An act concerning alcoholic beverages; concerning minors; relating to certain
retailer's licenses; amending K.S.A. 41-303 and K.S.A. 2003 Supp. 21-3610 and 41-727 and
repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 256**.

SB 256, An act concerning crime victims; relating to compensation for residents involving violent crimes committed outside the United States; amending K.S.A. 74-7301 and 74-7305 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Huelskamp, Pugh.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 297**.

SB 297, An act concerning civil procedure; relating to docket fees; amending K.S.A. 2003 Supp. 20-367, 28-172a, 59-104, 60-1621 and 60-2001 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 343**.

SB 343, An act relating to hospitals; repealing K.S.A. 2003 Supp. 65-441a.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Schmidt moved the Senate concur in house amendments to **SB 353**.

SB 353, An act concerning agriculture; relating to noxious weeds; sericea lespezeza, disaster area and research and demonstration area; amending K.S.A. 2003 Supp. 2-1315, 2-1334, 2-1908 and 2-1915 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Tyson moved the Senate concur in house amendments to **SB 396**.

SB 396, An act concerning the nuclear energy development and control act; relating to fees; amending K.S.A. 48-1606 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jackson,

Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 422**.

SB 422, An act concerning crimes, punishment and criminal procedure; relating to imprisonment for life without the possibility of parole; amending K.S.A. 21-4622, 21-4623 and 21-4624 and K.S.A. 2003 Supp. 21-4635 and 22-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley.

The Senate concurred.

Senator Schmidt moved the Senate concur in house amendments to **SB 524**.

SB 524, An act concerning agriculture; relating to the Kansas department of agriculture and the secretary of agriculture; amending K.S.A. 2-127, 2-128, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d, 2-158, 2-714, 2-716, 2-907, 2-1002, 2-1004, 2-1004a, 2-1008, 2-1010, 2-1012, 2-1013, 2-1014, 2-1201, 2-1209, 2-1220, 2-1226, 2-1227, 2-1228, 2-1314, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1327, 2-1331, 2-1421a, 2-1424a, 2-1425, 2-1427, 2-1437, 2-2003, 2-2005, 2-2009, 2-2202, 2-2210, 2-2212, 2-2438a, 2-2439, 2-2444a, 2-2461, 2-2464a, 2-2469, 2-2472, 2-2501, 2-2802, 2-2803, 2-2814, 2-2901, 2-2903, 2-2911, 2-3002a, 2-3309, 2-3315, 2-3601, 11-201, 12-636, 12-761, 12-766, 12-2713, 16-1503, 16-1505, 19-1561b, 19-2963, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 27-328, 28-813, 34-101c, 34-125, 34-132, 34-133, 34-134, 34-223, 42-701, 42-725, 44-820, 47-1902, 47-1903, 47-1904, 47-1905, 47-2001, 47-2301, 50-905, 55-153, 65-1,177, 65-1,182, 65-688, 65-6a19, 65-6a20, 65-6a24, 65-6a26, 65-6a28, 65-6a29, 65-6a30, 65-6a31, 65-6a32, 65-6a33, 65-6a35, 65-6a44, 65-6a44a, 65-6a45, 65-6a56, 65-771, 65-772, 65-34,103, 65-5703, 66-1,160, 68-506b, 68-1414, 68-1702, 68-2203, 74-504, 74-504a, 74-504b, 74-504e, 74-505, 74-505c, 74-506a, 74-506b, 74-506d, 74-509, 74-510a, 74-511, 74-515a, 74-515b, 74-542, 74-550, 74-552, 74-553, 74-554, 74-555, 74-561, 74-562, 74-578, 74-2610, 74-5048, 75-3149, 75-3150, 76-478, 82a-301a, 82a-303a, 82a-307a, 82a-405, 82a-603, 82a-612, 82a-701, 82a-706e, 82a-732, 82a-734, 82a-903, 82a-1021, 82a-1023, 82a-1301, 82a-1335, 82a-1501, 82a-1803, 83-205 and 83-403 and K.S.A. 2003 Supp. 2-1205, 2-1333, 2-2906, 2-3002, 2-3602, 34-101, 47-816, 55-443, 55-447, 65-6a18, 74-567, 74-2622, 74-50,159, 74-50,162, 74-8101, 79-3425c, 82a-731, 82a-954, 82a-1603, 82a-1903, 82a-1904, 83-219, 83-302 and 83-402 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

ORIGINAL MOTION

Senator Oleen moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and dispense with distribution of copies of the conference committee report on **HB 2675**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2675**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 20 through 23 and inserting new material to read as follows:

“Section 1. (a) For the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.”;

On page 2, in line 24, by striking “LaHarp” and inserting “La Harpe”;

On page 7, by striking all in lines 38 through 42;

On page 8, by striking all in lines 1 through 3;

And by renumbering sections accordingly;

Also on page 8, by striking all in lines 35 and 36 and inserting the following:

“Sec. 11.

ABSTRACTERS' BOARD OF EXAMINERS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 2(a) of chapter 138 of the 2003 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$20,878 to \$21,315.

Sec. 12.

BOARD OF ACCOUNTANCY

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 42(b) of chapter 160 of the 2003 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$248,947 to \$251,694.

Sec. 13.

STATE BANK COMMISSIONER

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 22(b) of chapter 160 of the 2003 Session Laws of Kansas on the bank commissioner fee fund is hereby increased from \$6,065,455 to \$6,236,279.

(b) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 22 of chapter 138 of the 2003 Session Laws of Kansas for the state bank commissioner is hereby increased from 85.0 to 86.0.

Sec. 14.

KANSAS BOARD OF BARBERING

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 39(c) of chapter 160 of the 2003 Session Laws of Kansas on the board of barbering fee fund is hereby increased from \$117,076 to \$131,275.

Sec. 15.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 76(a) of chapter 160 of the 2003 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$496,053 to \$510,120.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 76(b) of chapter 160 of the 2003 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$540,883 to \$548,009.

Sec. 16.

STATE BOARD OF HEALING ARTS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June

30, 2005, by section 66(b) of chapter 160 of the 2003 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$2,352,714 to \$2,378,523.

Sec. 17.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 43(b) of chapter 160 of the 2003 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$715,727 to \$722,874.

Sec. 18.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 23(b) of chapter 160 of the 2003 Session Laws of Kansas on the credit union fee fund is hereby increased from \$898,833 to \$917,464.

Sec. 19.

KANSAS DENTAL BOARD

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 67(c) of chapter 160 of the 2003 Session Laws of Kansas on the dental board fee fund is hereby increased from \$343,809 to \$344,017.

(b) In addition to the other purposes for which expenditures may be made by the Kansas dental board from moneys appropriated from the dental board fee fund for fiscal year 2005 for the Kansas dental board as authorized by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the Kansas dental board for fiscal year 2005 for official hospitality: *Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2005, for official hospitality shall not exceed \$400.

Sec. 20.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 44(b) of chapter 160 of the 2003 Session Laws of Kansas on the mortuary arts fee fund is hereby increased from \$234,785 to \$237,971.

Sec. 21.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING AIDS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 68(b) of chapter 160 of the 2003 Session Laws of Kansas on the hearing aid board fee fund is hereby increased from \$21,699 to \$22,129.

Sec. 22.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 77(a) of chapter 160 of the 2003 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$1,338,001 to \$1,459,056.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 77(b) of chapter 160 of the 2003 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$1,438,267 to \$1,478,622.

Sec. 23.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 69(b) of chapter 160 of the 2003 Session Laws of Kansas on the optometry fee fund is hereby increased from \$112,292 to \$114,511.

Sec. 24.

STATE BOARD OF PHARMACY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal grant fund	
For the fiscal year ending June 30, 2004.....	No limit
For the fiscal year ending June 30, 2005.....	No limit

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 70(b) of chapter 160 of the 2003 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$633,604 to \$637,221.

Sec. 25.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 24(b) of chapter 160 of the 2003 Session Laws of Kansas on the appraiser fee fund is hereby increased from \$242,512 to \$244,226.

Sec. 26.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 25(b) of chapter 160 of the 2003 Session Laws of Kansas on the real estate fee fund is hereby increased from \$791,230 to \$795,796.

Sec. 27.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 26(b) of chapter 160 of the 2003 Session Laws of Kansas on the securities act fee fund is hereby increased from \$2,191,848 to \$2,204,375.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 17-1271 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$3,875,000 from the investor education fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 28.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 78(b) of chapter 160 of the 2003 Session Laws of Kansas on the technical professions fee fund is hereby decreased from \$559,699 to \$552,857.

Sec. 29.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$11,007

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 79(c) of chapter 160 of the 2003 Session Laws of Kansas on the governmental ethics commission fee fund is hereby increased from \$132,449 to \$135,954.

Sec. 30.

ATTORNEY GENERAL

(a) On the effective date of this act, of the \$3,569,834 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 29(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$60,525 is hereby lapsed.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of chapter 138 of the 2003 Session Laws of Kansas for the attorney general is hereby decreased from 95.0 to 94.5.

Sec. 31.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 81(a) of chapter 160 of the 2003 Session Laws of Kansas on the operating expenditures account of the health care stabilization fund is hereby decreased from \$1,056,882 to \$1,050,732.

Sec. 32.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operating expenditures	\$932,678
Capital defense operations.....	\$610,000

Sec. 33.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operating expenditures	\$34,899
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(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending on June 30, 2004, by section 86(c)(1) of chapter 138 of the 2003 Session Laws of Kansas in the KSIP — operating expenditures account of the state general fund, the sum of \$34,899 is hereby lapsed.

Sec. 34.

STATE CORPORATION COMMISSION

(a) During the fiscal year ending June 30, 2004, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of the \$400,000 prescribed by K.S.A. 2003 Supp. 55-193 and amendments thereto, to the abandoned oil and gas well fund of the state corporation commission: *Provided, however,* That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of the legislative research department.

Sec. 35.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

General administration	\$15,000
Facilities management	\$15,000

(b) (1) During the fiscal year ending June 30, 2004, upon the release of any encumbrance of moneys in the state budget stabilization fund, the director of accounts and reports shall transfer the amount equal to the unexpended balance of each such released encumbrance from the state budget stabilization fund to the state general fund.

(2) The director of accounts and reports shall not make the transfer of all moneys in the state budget stabilization fund to the state general fund which was directed to be made by section 40(m) of chapter 138 of the 2003 Session Laws of Kansas and, on the effective date of this act, the provisions of section 40(m) of chapter 138 of the 2003 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 or for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 or for fiscal year 2005 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided,* That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further,* That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement

project shall not exceed \$19,800,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 36.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operating expenditures	\$200,000
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Sec. 37.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 5(a) of chapter 160 of the 2003 Session Laws of Kansas on the state racing fund is hereby decreased from \$3,041,501 to \$3,001,314.

(b) On or after the effective date of this act, during the fiscal year ending June 30, 2004, notwithstanding the provisions of K.S.A. 74-8826 and amendments thereto, the director of accounts and reports shall transfer one or more amounts from the state racing fund to the state gaming revenues fund so that an aggregate of not less than \$265,613 is transferred from the state racing fund to the state gaming revenues fund during the fiscal year ending June 30, 2004.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of chapter 138 of the 2003 Session Laws of Kansas for the state gaming agency of the Kansas racing and gaming commission is hereby decreased from 24.0 to 23.0.

Sec. 38.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$13,553,544 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 8(a) of chapter 160 of the 2003 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$7,260 is hereby lapsed.

Sec. 39.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$10,948,486 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 9(a) of chapter 160 of the 2003 Session Laws of Kansas from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$200,000 is hereby lapsed.

Sec. 40.

KANSAS, INC.

(a) On the effective date of this act, of the \$203,162 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 10(a) of chapter 160 of the 2003 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$693 is hereby lapsed.

Sec. 41.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the teenage pregnancy program evaluation fund to the state general fund and all liabilities of the teenage pregnancy program evaluation fund are hereby transferred to and imposed on the state general fund and the teenage pregnancy program evaluation fund is hereby abolished.

(b) On the effective date of this act, of the \$7,268,760 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 47(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$200,000 is hereby lapsed.

Sec. 42.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 65-3424g and amendments thereto or any other statute, the director of accounts and reports shall transfer \$304,307 from the waste tire management fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the waste tire management fund of the department of health and environment — division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 55-1,118 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$151,535 from the subsurface hydrocarbon storage fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the subsurface hydrocarbon storage fund of the department of health and environment — division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(c) On the effective date of this act, notwithstanding the provisions of K.S.A. 65-34,129 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$423,929 from the aboveground petroleum storage tank release trust fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the aboveground petroleum storage tank release trust fund of the department of health and environment — division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 43.

DEPARTMENT ON AGING

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the senior services trust fund of the Kansas public employees retirement system to the intergovernmental transfer administration fund of the department on aging.

Sec. 44.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

State operations	\$1,893,767
Mental health and retardation services aid and assistance	\$2,550,189
Youth services aid and assistance.....	\$2,431,180
Vocational rehabilitation aid and assistance.....	\$298,750
Cash assistance.....	\$24,480
Community based services	\$1,868,880
Kansas neurological institute — operating expenditures.....	\$210,493
Larned state hospital — sexual predator treatment program.....	\$1,960,000
Osawatomie state hospital — operating expenditures.....	\$122,583
Parsons state hospital and training center — operating expenditures.....	\$10,888

Rainbow mental health facility — operating expenditures..... \$9,643

(b) On the effective date of this act, any unencumbered balance in the youth center security enhancements account of the state institutions building fund is hereby lapsed.

(c) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2004, by section 31 of chapter 137 of the 2003 Session Laws of Kansas from the state institutions building fund in the state security hospital account, the sum of \$184,188 is hereby lapsed.

(d) On the effective date of this act, of the \$349,141,838 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$42,898,925 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 72(j) of chapter 160 of the 2003 Session Laws of Kansas on the Title XIX fund is hereby increased from \$44,823,173 to \$44,835,173.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 72(e) of chapter 160 of the 2003 Session Laws of Kansas on the social welfare fund is hereby increased from \$47,013,674 to \$64,981,386.

(g) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2004 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That, in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*, That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be reduced or waived in cases of demonstrable hardship and for families at or below 200% of the federal poverty level who are receiving home and community based services: *And provided further*, That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury to the credit of the social welfare fund.

(h) On the effective date of this act, of the \$21,799,755 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account, the sum of \$114,702 is hereby lapsed.

(I) On the effective date of this act, the expenditure limitation established by section 72(l) of chapter 160 of the 2003 Session Laws of Kansas on the Larned state hospital fee fund is hereby increased from \$1,680,443 to \$2,060,443.

(j) On the effective date of this act, the expenditure limitation established by section 50(b) of chapter 138 of the 2003 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby increased from \$364,678 to \$391,530.

(k) On the effective date of this act, the position limitation established by section 72(u)(2) of chapter 160 of 2003 Session Laws of Kansas for Larned State Hospital is hereby increased from 792.8 to 798.2.

(l) On the effective date of this act, of the \$550,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(c) of chapter 138 of the 2003 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$541,105 is hereby lapsed.

(m) On the effective date of this act, of the \$3,500,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(c) of chapter 138 of the 2003 Session Laws of Kansas from the children's initiatives fund in the children's cabinet early childhood discretionary grant program account, the sum of \$8,895 is hereby lapsed.

Sec. 45.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Governor's teaching excellence scholarships and awards	\$66,000
Supplemental general state aid.....	\$4,026,374
School district juvenile detention facilities and Flint Hills job corps center grants	\$669,522

(b) On the effective date of this act, of the \$1,777,788,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$158,834,000 is hereby lapsed.

(c) On the effective date of this act, of the \$138,940,758 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the KPERS — employer contributions account, the sum of \$6,005,014 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the inservice education aid account of the state general fund is hereby lapsed.

Sec. 46.

STATE LIBRARY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Grants and gifts fund	No limit
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Sec. 47.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, any unencumbered balance in the fire alarm system upgrade account of the state institutions building fund is hereby lapsed.

Sec. 48.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, any unencumbered balance in each of the following accounts of the state institutions building fund is hereby lapsed: Construct and equip new elementary school, site improvement and Emory hall demolition; pool and laundry roof replacement; air conditioning, auditorium; asbestos removal.

Sec. 49.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund.....	No limit
Vehicle repair and replacement fund	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the general fees fund for fiscal year 2004, expenditures may be made by the above agency from the following capital improvement account or accounts of the general fees fund for fiscal year 2004 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Capital improvements	No limit
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Provided, That all expenditures from each such capital improvement account of the general fees fund shall be in addition to any expenditure limitation imposed on the general fees fund for fiscal year 2004.

(c) On the effective date of this act, the director of accounts and reports shall transfer all moneys from the EDIF — visitor donation match fund of the state historical society to the state general fund. On the effective date of this act, the EDIF — visitor donation match fund of the state historical society is hereby abolished.

Sec. 50.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, any unencumbered balance in each of the following accounts of the state budget stabilization fund is hereby lapsed: Dole institute of public service and public policy.

Sec. 51.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operating expenditures	\$41,530
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(b) On the effective date of this act, of the \$3,883,577 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 16(a) of chapter 160 of the 2003 Session Laws of Kansas from the state general fund in the substance abuse treatment programs account, the sum of \$41,530 is hereby lapsed.

Sec. 52.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Treatment and programs	\$85,703
Facility operations	\$271,051

(b) On the effective date of this act, of the \$3,310,303 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 6(b) of chapter 137 of the 2003 Session Laws of Kansas from the correctional institutions building fund in the capital improvements — rehabilitation, remodeling, renovation and repair of correctional institutions account, the sum of \$220,926 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 86(c)(2) of chapter 138 of the 2003 Session Laws of Kansas on the KSIP expenditure account of the correctional industries fund is hereby decreased from \$468,634 to \$10,000.

(d) On the effective date of this act, of the \$13,080,180 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the central administration operations and parole and postrelease supervision operations account, the sum of \$238,845 is hereby lapsed.

(e) On the effective date of this act, of the \$10,198,848 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Topeka correctional facility — facilities operations account, the sum of \$169,845 is hereby lapsed.

(f) On the effective date of this act, of the \$24,366,899 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility — facilities operations account, the sum of \$416,337 is hereby lapsed.

(g) On the effective date of this act, of the \$32,369,719 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Lansing correctional facility — facilities operations account, the sum of \$569,063 is hereby lapsed.

(h) On the effective date of this act, of the \$10,500,106 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility — facilities operations account, the sum of \$171,512 is hereby lapsed.

(i) On the effective date of this act, of the \$9,799,665 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Winfield correctional facility — facilities operations account, the sum of \$162,323 is hereby lapsed.

(j) On the effective date of this act, of the \$12,166,215 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Norton correctional facility — facilities operations account, the sum of \$213,707 is hereby lapsed.

(k) On the effective date of this act, of the \$20,692,920 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the El Dorado correctional facility — facilities operations account, the sum of \$366,803 is hereby lapsed.

(l) On the effective date of this act, of the \$7,907,013 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Larned correctional mental health facility — facilities operations account, the sum of \$141,501 is hereby lapsed.

Sec. 53.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$27,209,608 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 69(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,093,325 is hereby lapsed.

(b) On the effective date of this act, of the \$13,170,740 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 69(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Topeka juvenile correctional facility operations account, the sum of \$1,178,375 is hereby lapsed.

(c) On the effective date of this act, of the \$7,229,161 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 69(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$84,175 is hereby lapsed.

(d) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the juvenile justice community planning fund of the juvenile justice authority to the state general fund. On the effective date of this act, all liabilities of the juvenile justice community planning fund are hereby transferred to and imposed on the state general fund and the juvenile justice community planning fund of the juvenile justice authority is hereby abolished.

(e) On the effective date of this act, the director of accounts and reports shall transfer \$147,504 from the prevention program grant account of the children's initiatives fund to the intervention and graduated sanctions community grants account of the children's initiatives fund.

(f) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of chapter 138 of the 2003 Session Laws of Kansas for the juvenile justice authority is hereby decreased from 803.0 to 635.0.

Sec. 54.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$85,198 from the motor carrier license fee fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

Sec. 55.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 14(a) of chapter 160 of the 2003 Session Laws of Kansas on the fire marshal fee fund is hereby increased from \$2,869,313 to \$2,943,017.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of chapter 138 of the 2003 Session Laws of Kansas for the state fire marshal is hereby increased from 47.0 to 49.0.

Sec. 56.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 18(a) of chapter 160 of the 2003 Session Laws of Kansas on the emergency medical services operating fund is hereby increased from \$876,368 to \$893,443.

Sec. 57.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair federal transfer fund No limit

Sec. 58.

STATE CONSERVATION COMMISSION

(a) On the effective date of this act, of the \$562,295 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 81(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$812 is hereby lapsed.

(b) On the effective date of this act, of the \$307,471 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 81(c) of chapter 138 of the 2003 Session Laws of Kansas from the state water plan fund in the Kansas water quality buffer initiatives account, the sum of \$285,000 is hereby lapsed.

(c) On the effective date of this act, the \$300,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 81(f) of chapter 138 of the 2003 Session Laws of Kansas from the state water plan fund in the multipurpose small lakes programs account for the horsethief reservoir project, is hereby lapsed.

Sec. 59.

KANSAS WATER OFFICE

(a) On July 1, 2004, any unencumbered balance in each of the following accounts of the state water plan fund is hereby lapsed: Weather modification programs.

(b) On the effective date of this act, of the \$1,230,585 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 82(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the water resources operating expenditures account, the sum of \$23,586 is hereby lapsed.

Sec. 60.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cheyenne Bottoms federal grants fund No limit
Tuttle Creek state park mitigation project fund \$1,500,000

Provided, That expenditures may be made from the Tuttle Creek state park mitigation project fund for a capital improvement project to construct a new access road and campground at the Tuttle Creek state park: *Provided however*, That all moneys received during fiscal year 2004 or fiscal year 2005 from the federal government for reimbursement of state expenses for this project in mitigation of damage to the Tuttle Creek state park in the area of the access road and campground during the U. S. Army Corps of Engineers project to repair Tuttle Creek dam shall be deposited in the state treasury to the credit of the Tuttle Creek state park mitigation project fund: *Provided further*, That all moneys received under the loan from the pooled money investment board pursuant to subsection (e): *And provided further*, That such loan shall be repaid from moneys available therefor in this fund or from other moneys appropriated for the department of wildlife and parks and available therefor.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$68,323 from the wildlife and parks nonrestricted fund to the state agricultural production fund.

(c) On the effective date of this act, any unencumbered balance in each of the following accounts of the state budget stabilization fund is hereby lapsed: Comprehensive capital improvements for state parks.

(d) During the fiscal year ending June 30, 2005, upon request of the secretary of wildlife and parks, the pooled money investment board is authorized and directed to loan to the

secretary of wildlife and parks a sufficient amount of moneys for the initial expenses of the capital improvement project to construct a new access road and campground at the Tuttle Creek state park upon approval of such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided*, That such loan shall not be made unless the terms thereof have been approved by the director of the budget: *Provided further*, That, upon such approval, the director of the budget shall deliver a copy of the terms of such loan to the director of the legislative research department: *And provided further*, That the pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan: *And provided further*, That such loan shall be repaid within 30 months from the date of the loan with interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan.

Sec. 61.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 19(b) of chapter 160 of the 2003 Session Laws of Kansas on expenditures for agency operations from the state highway fund of the department of transportation is hereby decreased from \$240,363,407 to \$229,326,535.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$369,008 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the amount transferred from the state highway fund of the department of transportation to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 62. (a) On or after the effective date of this act, during the fiscal year ending June 30, 2004, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2003 Supp. 75-4266 and amendments thereto.

(b) On or after the effective date of this act, during the fiscal year ending June 30, 2004, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the long-term care loan and grant fund of the department on aging established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(c) On or after the effective date of this act, during the fiscal year ending June 30, 2004, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund — department on aging established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(d) On or after the effective date of this act, during the fiscal year ending June 30, 2004, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund — SRS established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(e) On or after the effective date of this act, during the fiscal year ending June 30, 2004, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the aging — IGT fund of the department on aging.

(f) Commencing on the effective date of this act, or as soon as moneys are available therefor, during the fiscal year ending June 30, 2004, the director of accounts and reports

shall transfer to the SRS — IGT fund of the department of social and rehabilitation services, on the dates when the following transfers would have been made under the statute specified, the following: All amounts of money that would have been directed by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto to be transferred from the intergovernmental transfer fund of the department on aging to the senior services trust fund, the long-term care loan and grant fund, the state medicaid match fund — department on aging, and the state medicaid match fund — SRS.

Sec. 63.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 59(b) of chapter 160 of the 2003 Session Laws of Kansas on the veterinary examiners fee fund is hereby increased from \$281,217 to \$281,238.

Sec. 64.

JUDICIAL COUNCIL

(a) During the fiscal years ending June 30, 2004, and June 30, 2005, when unanticipated expenses are incurred by the judicial council, the judicial council shall first utilize moneys available in the judicial council fund to pay such unanticipated expenses before expending any moneys credited to the publications fee fund therefor.

(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$18,032 from the publications fee fund of the judicial council to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 65.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operating expenditures — Kansas soldiers' home	\$300,436
Operating expenditures — Kansas veterans' home.....	\$229,686
Additional operating expenditures — Kansas soldiers' home and Kansas veterans' home	\$136,000

Sec. 66.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Other federal grants fund.....	No limit
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Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2004 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2004, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

Sec. 67.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Homeland security federal fund..... No limit

Sec. 68.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation motor vehicle fund No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: Provided further, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury and credited to this fund.

(b) On June 1, 2004, the director of the budget shall certify to the director of accounts and reports the amount up to but not exceeding \$350,000 to be transferred from the state general fund to the Kansas bureau of investigation motor vehicle fund for the purposes of acquiring and selling motor vehicles for the Kansas bureau of investigation for fiscal year 2004. Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified by the director of the budget from the state general fund to the Kansas bureau of investigation motor vehicle fund for the purposes of acquiring and selling motor vehicles for the Kansas bureau of investigation for fiscal year 2004: Provided, That the amount certified by the director of the budget pursuant to this subsection shall not exceed the amount of the unencumbered balance as of June 1, 2004, in the operating expenditures account of the state general fund of the above agency.

(c) On June 1, 2004, of the \$11,569,515 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 74(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum equal to the amount certified by the director of the budget to be transferred from the state general fund to the Kansas bureau of investigation motor vehicle fund pursuant to subsection (b) is hereby lapsed.

Sec. 69.

KANSAS LOTTERY

(a) On or after the effective date of this act, and before July 15, 2004, whenever sufficient funds are available as certified by the executive director of the Kansas lottery, the director of accounts and reports shall transfer \$2,000,000 from the lottery operating fund to the state economic development initiatives fund for the purpose of financing an aviation program at Wichita state university for the fiscal year ending June 30, 2005.

Sec. 70.

DEPARTMENT OF REVENUE

(a) On or after the effective date of this act, and before June 30, 2004, whenever sufficient funds are available as certified by the secretary of revenue, notwithstanding the provisions of K.S.A. 68-416 and 74-2022 and amendments thereto, K.S.A. 2003 Supp. 8-2110 and 74-2012 and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the division of vehicles operating fund to the state general fund: Provided, That the amount transferred from the division of vehicles operating fund of the department of revenue to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On or after the effective date of this act, and before June 30, 2004, whenever sufficient funds are available as certified by the secretary of revenue, notwithstanding the provisions of K.S.A. 74-2022 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$1,200,000 from the electronic databases fee fund to the state general fund: Provided, That the amount transferred from the electronic databases fee fund of the department of revenue to the state general fund pursuant to this subsection is to

reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 71.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Legislative coordinating council — operations \$568,730

Provided, That any unencumbered balance in the legislative coordinating council — operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Legislative research department — operations..... \$2,628,039

Provided, That any unencumbered balance in the legislative research department — operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Office of revisor of statutes — operations \$2,355,464

Provided, That any unencumbered balance in the office of revisor of statutes — operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund..... No limit

Sec. 72.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operations (including official hospitality)..... \$12,834,392

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee of the legislature during fiscal year 2005 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2005: *And provided further*, That no individual legislator, excluding the speaker of the house of representatives, the president of the senate, the minority leader of the house of representatives and the minority leader of the senate,

shall be paid for more than 150 days per calendar year without legislative coordinating council approval for each day above the 150 day total: *And provided further*, That, in addition to the other purposes for which expenditures may be made from this account, expenditures may be made from this account for the payment of bills submitted by the attorney general for the payment of expenses related to initiating and conducting litigation pursuant to 2002 House Resolution No. 6003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury to the credit of the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee of the legislature during fiscal year 2005 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this fund for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2005: *And provided further*, That no individual legislator, excluding the speaker of the house of representatives, the president of the senate, the minority leader of the house of representatives and the minority leader of the senate, shall be paid for more than 150 days per calendar year without legislative coordinating council approval for each day above the 150 day total: *And provided further*, That, in addition to the other purposes for which expenditures may be made from this fund, expenditures may be made from this fund for the payment of bills submitted by the attorney general for the payment of expenses related to initiating and conducting litigation pursuant to 2002 House Resolution No. 6003.

Sec. 73.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operations (including legislative post audit committee) \$1,833,570
Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund.....	No limit
<i>Provided</i> , That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: <i>Provided further</i> , That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury to the credit of the audit services fund.	
Conversion of materials and equipment fund	No limit
State agency audits fund.....	No limit

Sec. 74.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Governor's department	\$1,624,479
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Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2005, by subsection (a) from the state general fund in the governor's department account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund.....	No limit
<i>Provided</i> , That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: <i>Provided further</i> , That the governor is hereby authorized to fix, charge and collect fees for such conferences: <i>And provided further</i> , That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: <i>And provided further</i> , That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be credited to this fund.	
Conversion of materials and equipment fund	No limit
Federal grants fund.....	No limit

Sec. 75.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operations.....	\$114,817
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Provided, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and

for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2005, in the operations account.

(c) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2005, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 76.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$3,743,512
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,200; <i>Provided further</i> , That the attorney general may make expenditures from this account for the rent of office space in the memorial building: <i>Provided, however</i> , That any reduction in utilization of space in the memorial building and corresponding reduction in rent assessed the attorney general must be so certified by the secretary of administration: <i>Provided further</i> , That any savings in rent as the result of the secretary of administration certifying that there has been a reduction in the utilization of space in the memorial building by the office of the attorney general may be used for any operating expenses authorized to be paid from this account.	
Litigation costs	\$62,967

Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Any unencumbered balance in excess of \$100 as of June 30, 2004, in each of the following accounts is hereby reappropriated for fiscal year 2005: Additional operating expenditures for investigation and litigation regarding interstate water rights, operating expenditures relating to interstate water rights regarding the Republican river and its tributaries.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Court cost fund	No limit
Bond transcript review fee fund.....	No limit
Conversion of materials and equipment fund	No limit
Attorney general's antitrust special revenue fund	No limit
Private gifts fund.....	No limit
Medicaid fraud reimbursement fund	No limit
Attorney general's antitrust suspense fund	No limit
Attorney general's consumer protection clearing fund.....	No limit
Attorney general's committee on crime prevention fee fund.....	No limit

Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury and credited to this fund.

Tort claims fund	No limit
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Provided, That, of the moneys transferred during fiscal year 2005 from the state general fund to the tort claims fund pursuant to K.S.A. 75-6117 and amendments thereto, the aggregate amount transferred during fiscal year 2005 for costs of defending the state or an

employee of the state in any actions or proceedings on claims against the state or an employee of the state under the tort claims act or under the civil rights laws of the United States or of the state of Kansas, shall not exceed \$1,176,072, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided, however*, That such approval also may be given while the legislature is in session : *Provided further*, That expenditures may be made from the tort claims fund for defense of state officials in connection with litigation brought pursuant to 2002 House Resolution No. 6003: *And provided further*, That no such expenditure shall be made for defense of members of the Kansas legislature in connection with litigation brought pursuant to 2002 House Resolution No. 6003.

Crime victims compensation fund No limit
Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed \$323,311: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund No limit
 Protection from abuse fund No limit
 Victims of crime assistance act — federal fund No limit
 Crime victims grants and gifts fund No limit

Provided, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Attorney general’s medicaid fraud control fund No limit
 Other federal grants and reimbursement fund No limit
 Debt collection administration cost recovery fund No limit

Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719 and amendments thereto: *Provided further*, That the attorney general shall authorize the director of accounts and reports to transfer \$30,000 from this fund to the state general fund at such time as receipts to this fund are sufficient to sustain expenditures for administering and monitoring such contracts as well as to repay the state general fund for money advanced for such purpose: *And provided further*, That, upon receipt of such authorization, the director of accounts and reports shall transfer \$30,000 from the debt collection administration cost recovery fund to the state general fund.

Medicaid fraud prosecution revolving fund No limit
Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general’s office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund.

Interstate water litigation fund No limit
Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802 and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case: *Provided*, That, in addition to the other purposes authorized by K.S.A. 82a-1802 and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses

incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund..... No limit

(c) During the fiscal year ending June 30, 2005, grants made pursuant to K.S.A. 74-7325 and amendments thereto from the protection from abuse fund and grants made pursuant to K.S.A. 74- 7334 and amendments thereto from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) During the fiscal year ending June 30, 2005, of the aggregate amount of fines, penalties and forfeitures remitted each month to the state treasurer by the clerks of the district courts, the state treasurer shall credit (1) the amount equal to 1% of each such aggregate monthly remittance to the crime victims compensation fund; and (2) the amount equal to 1% of each such aggregate monthly remittance to the crime victims assistance fund: *Provided*, That all moneys credited to the crime victims compensation fund pursuant to this subsection shall be in addition to all other amounts credited to the crime victims compensation fund as prescribed by K.S.A. 74-7336 and amendments thereto or by any other statute: *Provided further*, That all moneys credited to the crime victims assistance fund pursuant to this subsection shall be in addition to all other amounts credited to the crime victims assistance fund as prescribed by K.S.A. 20-367 and 74-7336 and amendments thereto or by any other statute.

(e) During the fiscal year ending June 30, 2005, the director of accounts and reports is hereby authorized to transfer an amount certified by the attorney general of not to exceed \$100,000 from the crime victims compensation fund to the crime victims assistance fund.

Sec. 77.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Any unencumbered balance in excess of \$100 as of June 30, 2004, in the HAVA match account is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund	No limit
Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
<i>Provided</i> , That expenditures from the information and services fee fund for official hospital- tality shall not exceed \$2,500.	
State register fee fund	No limit
Uniform commercial code fee fund.....	No limit
State flag and banner fund	No limit
Secretary of state fee refund fund	No limit
Electronic voting machine examination fund.....	No limit
Suspense fund.....	No limit
Prepaid services fund	No limit
Athlete agent registration fee fund.....	No limit
Franchise fee recovery fund.....	No limit
Democracy fund	No limit
Technology communication fee fund	No limit
HAVA federal fund	No limit

Sec. 78.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Fiscal agency fund	No limit
Bond services fee fund	No limit
City bond finance fund	No limit
Local ad valorem tax reduction fund.....	No limit
County and city revenue sharing fund	No limit
Suspense fund.....	No limit
County and city retailers' sales tax fund	No limit
County and city compensating use tax fund	No limit
Local alcoholic liquor fund	No limit
Local alcoholic liquor equalization fund	No limit
Unclaimed property claims fund	No limit
Unclaimed property expense fund	No limit

Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.

County and city transient guest tax fund.....	No limit
Racing admissions tax fund.....	No limit
Rental motor vehicle excise tax fund.....	No limit
Transportation development district sales tax fund	No limit
Redevelopment bond fund	No limit
Services reimbursement fund	No limit

Provided, That the state treasurer is hereby authorized to fix, charge and collect a cash management fee for services provided by the state treasurer for banking services and for processing warrants and direct deposits except that payroll warrants shall not be subject to any fee prescribed by this section: *Provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That fees fixed by the state treasurer for services provided by the state treasurer in providing banking services shall be fixed to collect an estimated aggregate amount not to exceed the actual transaction costs for the fiscal year ending June 30, 2005: *And provided further*, That fees fixed by the state treasurer for processing warrants and direct deposits shall be fixed to collect an estimated aggregate amount not to exceed \$979,303 for the fiscal year ending June 30, 2005: *And provided further*, That the state treasurer is hereby authorized to fix, charge and collect a voucher processing fee for services provided by the state treasurer in processing vouchers and maintaining the voucher system: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That fees fixed by the state treasurer for services provided by the state treasurer in processing vouchers and maintaining the voucher system shall be fixed to collect an estimated aggregate amount not to exceed \$180,000 for the fiscal year ending June 30, 2005: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to the services reimbursement fund: *And provided further*, That expenditures from this fund may be made for operating expenditures for the state treasurer's office: *And provided further*, That during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer to the services reimbursement fund of the state treasurer one or more amounts certified by the state treasurer, for expenses incurred for warrants issued and processed and electronic transactions processed for the department of human resources payable from the employment security fund, from moneys made available to the state under section 903(d) of the federal social security act, as amended, and credited to the employment security fund, except that the aggregate of such amounts transferred shall not exceed \$451,000.

Municipal investment pool fund	No limit
Pooled money investment portfolio fee fund.....	No limit

Provided, That on or before the fifth day of each month of the fiscal year ending June 30, 2005, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That prior to the 10th day of each month during the fiscal year

ending June 30, 2005, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board.

Kansas postsecondary education savings program trust fund	No limit
Kansas postsecondary education savings program expense fund	No limit
Conversion of materials and equipment fund	No limit
Tax increment financing revenue replacement fund	No limit

Sec. 79.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund	No limit
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Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,000: *Provided further*, That any transfers from this fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the insurance department service regulation fund.

Insurance company examination fund	No limit
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Provided, That any transfers from the insurance company examination fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the insurance company examination fund.

Insurance company annual statement examination fund	No limit
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Insurance company examiner training fund	No limit
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Conversion of materials and equipment fund	No limit
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Commissioner's travel reimbursement fund	No limit
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Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

Workers compensation fund	No limit
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Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made: *Provided further*, That any transfers from the workers compensation fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the workers compensation fund.

State firefighters relief fund	No limit
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Provided, That any transfers from the state firefighters relief fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the state firefighters relief fund.

Insurance company tax and fee refund fund	No limit
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Group-funded workers' compensation pools fee fund	No limit
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Provided, That any transfers from the group-funded workers' compensation pools fee fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the group-funded workers' compensation pools fee fund.

Municipal group-funded pools fee fund No limit
Provided, That any transfers from the municipal group-funded pools fee fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on this fund.

Uninsurable health insurance plan fund No limit
 Insurance education and training fund No limit
Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury and credited to this fund.

Other federal grants fund No limit
Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2005, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

Monumental life settlement fund \$12,396
Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who have taken courses necessary to successfully complete the first or second actuarial qualification examination and who are attending an accredited higher education institution in the state of Kansas.

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2005 as authorized by K.S.A. 40-223 and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721 and amendments thereto or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2005 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

(c) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$920,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 80.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2005, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures \$1,059,786

Provided, That expenditures from the operating expenditures account for official hospitality shall not exceed \$400.

Fees — legal and professional services No limit

Provided, That expenditures from the fees — legal and professional services account for attorney fees and other professional service fees may be made regardless of when services were rendered or when the judgment or settlement was made.

Claims and benefits No limit

Provided, That expenditures from the claims and benefits account for claim and benefit payments may be made regardless of when services were rendered or when the judgment or settlement was made.

Sec. 81.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund No limit

Grants and gifts fund No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund No limit

Provided, That, notwithstanding the provisions of K.S.A. 2003 Supp. 20-2207 and amendments thereto, expenditures are authorized to be made from the publications fee fund for operating expenses that are not related to publications activities.

(b) On June 30, 2005, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2005, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 82.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$15,400,621

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That any expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111 and

amendments thereto and shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto: *And provided further*, That during the fiscal year ending June 30, 2005, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer moneys in the operating expenditures account of the state general fund to any other item of appropriation from the state general fund for the state board of indigents' defense services: *And provided further*, That the executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

Capital defense operations..... \$1,922,489
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the capital defense operations account is hereby reappropriated for fiscal year 2005.

Legal services for prisoners..... \$359,300

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Indigents' defense services fund No limit

Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury and credited to the inservice education workshop fee fund.

Sec. 83.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Judiciary operations..... \$90,084,289

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That contracts for computer input of judicial opinions under this appropriation shall be executed in the name of the supreme court by the chief justice and may be interrelated with contracts for the comprehensive legislative information system: *And provided further*, That all such contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures may be made from the judicial operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judicial operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judicial operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judicial operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases: *And provided further*, That expenditures may be made from the judiciary operations account for the addition of a district court judge and associated staff for the 7th judicial district on and after January 1, 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Emergency surcharge fee fund..... No limit

Library report fee fund No limit

Judiciary technology fund No limit

Judicial branch gifts fund.....	No limit
Dispute resolution fund	No limit
Judicial branch education fund.....	No limit
<i>Provided</i> , That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114 and amendments thereto, education and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: <i>Provided further</i> , That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be credited to the judicial branch education fund.	
Conversion of materials and equipment fund	No limit
Child welfare federal grant fund	No limit
Child support enforcement contractual agreement fund	No limit
Bar admission fee fund	No limit
Permanent families account — family and children investment fund.....	No limit
Duplicate law book fund	No limit
Court reporter fund.....	No limit
Access to justice fund.....	No limit
Judicial technology and building and grounds fund.....	No limit
Judicial branch nonjudicial salary initiative fund	No limit

Sec. 84.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

13th retirement check — debt service.....	\$3,212,624
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Group insurance reserve fund.....	No limit
Optional death benefit plan reserve fund.....	No limit
Kansas endowment for youth fund.....	No limit
Senior services trust fund.....	No limit
Family and children endowment account — family and children investment fund	No limit
Non-retirement administration fund.....	No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account — family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b and amendments thereto.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2005, for the following specified purposes:

Agency operations.....	\$6,826,058
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Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses No limit
 KPERS technology project No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2005, for the following specified purposes:

Agency operations \$150,009
 Investment-related expenses No limit

(e) On June 30, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2101 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$4,611,533 from the Kansas endowment for youth fund to the state general fund.

(f) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2102 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$3,857,460 from the Kansas endowment for youth fund to the children's initiatives fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas endowment for youth fund to the children's initiatives fund as prescribed by law.

Sec. 85.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$1,392,724

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$150: *And provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund No limit
 Conversion of materials and equipment fund No limit
 Annual banquet fund No limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet shall be credited to this fund.

Education and training fund No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be credited to this fund.

Sec. 86.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service regulation fund.....	No limit
Motor carrier license fees fund	No limit
Conservation fee fund	No limit
<i>Provided</i> , That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: <i>Provided further</i> , That expenditures may be made from this fund for debt collection and set-off administration: <i>And provided further</i> , That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: <i>And provided further</i> , That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: <i>And provided further</i> , That the state corporation commission shall include as part of the fiscal year 2006 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717 and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2006, 2007 and 2008.	
Natural gas underground storage fee fund	No limit
Gas pipeline inspection fee fund.....	No limit
Abandoned oil and gas well fund.....	No limit
Well plugging assurance fund	No limit
Facility conservation improvement program fund.....	No limit
Gas pipeline safety program — federal fund	No limit
Energy related grants — federal fund	No limit
Energy grants management fund.....	No limit
Energy conservation plan — federal fund.....	No limit
Underground injection control class II — federal fund.....	No limit
Pipeline damage prevention grant program — federal fund.....	No limit
Other federal grants fund.....	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2005, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.	
Inservice education workshop fee fund.....	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: <i>Provided further</i> , That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury and credited to this fund.	
Base state registration clearing fund	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2005, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$14,668,997: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2005 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$600: *Provided*

further, That the state corporation commission is authorized to make expenditures from the public service regulation fund and the conservation fee fund for the operational costs of the Kansas energy council: *Provided, however*, That the operational costs of the Kansas energy council shall not include compensation for members of the Kansas energy council: *And provided further*, That expenditures from the public service regulation fund and the conservation fee fund for the operational costs of the Kansas energy council shall not exceed, in the aggregate, \$150,000.

(c) Expenditures for the fiscal year ending June 30, 2005, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75- 3739 and amendments thereto and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(d) During the fiscal year ending June 30, 2005, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of \$400,000 prescribed by K.S.A. 2003 Supp 55-193 and amendments thereto, to the abandoned oil and gas well plugging fund of the state corporation commission: *Provided, however*, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$40,000 from the facilities conservation improvement fund of the department of administration to the facility conservation improvement program fund of the state corporation commission.

Sec. 87.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund..... \$637,691

Provided, That expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund pursuant to contracts for professional services, which are hereby authorized to be entered into by the board: *Provided further*, That such professional services shall include but are not limited to the services of engineers, accountants, attorneys and economists, to assist in carrying out the duties of the board, which assistance may include preparation and presentation of expert testimony, when the expenses of such professional services are required to be assessed under K.S.A. 66-1502 and amendments thereto against the public utilities involved: *And provided further*, That such contracts shall be negotiated by a negotiating committee composed of the following persons: The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee, the director of the budget or that director's designee, the director of accounts and reports or that director's designee, and the chairperson of the citizens' utility ratepayer board or the chairperson's designee: *And provided further*, That the consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee shall convene the negotiating committee for each such contract and the negotiating committee shall consider all proposals by persons applying to perform such contract and shall award the contract: *And provided further*, That such contracts shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto or to the provisions of the acts contained in article 58 of chapter 75 of the Kansas Statutes Annotated: *And provided further*, That, of the amount of additional expenditures authorized by the expenditure limitation prescribed by this subsection, no portion of such unspent expenditure authority for fiscal year 2005 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program of any other Kansas savings incentive program section in this or other

appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation prescribed by this section are not expended or encumbered for fiscal year 2005, then the amount equal to the amount of such increased expenditure authority for fiscal year 2005 remaining may be expended from the utility regulatory fee fund for fiscal year 2006 pursuant to contracts for professional services and any such expenditure for fiscal year 2005 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for the fiscal year ending June 30, 2005.

(b) On July 1, 2004, October 1, 2004, January 1, 2005, and April 1, 2005, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.

Sec. 88.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

General administration	\$1,338,771
<i>Provided</i> , That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: <i>Provided further</i> , That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: <i>And provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Department of administration systems.....	\$2,820,466
<i>Provided</i> , That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Accounting and reporting services	\$529,968
<i>Provided</i> , That any unencumbered balance in the accounting and reporting services account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Personnel services.....	\$1,576,086
<i>Provided</i> , That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Purchasing.....	\$476,421
<i>Provided</i> , That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Facilities management.....	\$1,754,150
<i>Provided</i> , That any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Budget analysis.....	\$1,291,950
<i>Provided</i> , That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That,	

in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for two employees in the unclassified service under the Kansas civil service act: *And provided, further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Public broadcasting council grants \$1,813,016
Provided, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: *And provided further*, That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: *And provided further*, That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal capital equipment grants.

Public TV digital conversion debt service..... \$470,570
 Policy analysis initiatives \$194,926

Provided, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000.

Long-term care ombudsman \$119,406
Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures for such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash management fund..... No limit
 State budget stabilization fund \$0
 State leave payment reserve fund No limit
 Building and ground fund No limit

Provided, That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.

General fees fund..... No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be credited to this fund.

Human resource information systems cost recovery fund No limit
 Budget fees fund..... No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open

records act for providing access to or furnishing copies of public records, shall be credited to this fund.

Purchasing fees fund..... No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That all moneys received for such fees and all moneys received pursuant to the state travel services contract shall be deposited in the state treasury to the credit of this fund.

Architectural services fee fund..... No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be credited to this fund.

Budget equipment conversion fund..... No limit

Conversion of materials and equipment fund..... No limit

Architectural services equipment conversion fund..... No limit

Property contingency fund..... No limit

Flood control emergency — federal fund..... No limit

CJIS Byrne Grant — federal fund..... No limit

Digital orthophoto project — federal fund..... No limit

FICA reimbursements medical residents fund..... No limit

Information technology fund..... No limit

Information technology reserve fund..... No limit

Computer services recovery fund..... No limit

Provided, That expenditures may be made from the computer services recovery fund to provide central computer system development services, which shall be in addition to data processing services provided under K.S.A. 75-4704 and amendments thereto to other state agencies: *Provided further*, That the secretary of administration is hereby authorized, in accordance with the procedures and guidelines prescribed by K.S.A. 75-4703 and amendments thereto, to fix, charge and collect fees for such central computer system development services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to this fund: *And provided further*, That all expenditures for the personnel/payroll project shall be made from the personnel/payroll project program account of this fund: *And provided further*, That amounts may be transferred into this account from any state general fund account or any special revenue fund of the department of administration or any other state agency.

State buildings operating fund..... No limit

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682 and amendments thereto for approving the use of such property: *And provided further*, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That

the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *And provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2003 Supp. 75-37,123 and amendments thereto shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services recovery fund No limit
Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *And provided further*, That all fees received for such services or sales shall be credited to this fund.

Architectural services recovery fund No limit
Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of architectural services: *Provided further*, That, notwithstanding the provisions of subsection (b) of K.S.A. 75-4403 and amendments thereto, the director of facilities management may exchange an employee with the attorney general's office to assist in the enforcement of K.S.A. 58-1301 *et seq.*, and amendments thereto: *And provided further*, That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*, That the director of facilities management is hereby authorized to charge and collect (1) a fee equal to 1% of the estimated cost of each capital improvement project for a state agency which is not financed, in whole or in part, by gifts, bequests, or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services or, in the case of any capital improvement project for a state agency which is partially financed by gifts, bequests or donations made by one or more private individuals or other private entities, a fee equal to 1% of the proportional amount of the estimated cost of such capital improvement project which is not financed by gifts, bequests or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services, and (2) an additional fee equal to 8% of the construction cost of each capital improvement project for which the division provides in-house architectural and engineering design services: *And provided further*, That such services shall be subject to the limitations of K.S.A. 75-1253 and amendments thereto: *And provided further*, That all fees received for such services shall be credited to this fund.

Motor pool service fund No limit
Provided, That, notwithstanding the provisions of K.S.A. 75-4607 and amendments thereto, expenditures may be made from the motor pool service fund for return of contributed capital of the motor pool service fund to the state general fund.

Motor pool service depreciation reserve fund.....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 75-4614 and amendments thereto, expenditures may be made from the motor pool service depreciation reserve fund for return of contributed capital of the motor pool service depreciation reserve fund to the state general fund.	
Kansas public employees retirement clearing fund	No limit
Intragovernmental printing service fund.....	No limit
Intragovernmental printing service depreciation reserve fund	No limit
Municipal accounting and training services recovery fund	No limit
<i>Provided</i> , That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: <i>Provided further</i> , That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be credited to this fund.	
Canceled warrants payment fund	No limit
State emergency fund.....	No limit
Bid and contract deposit fund.....	No limit
State workers compensation self-insurance fund	No limit
Health and hospitalization insurance clearing fund	No limit
Federal withholding tax clearing fund	No limit
State gaming revenues fund.....	No limit
Health insurance premium reserve fund	No limit
Legal office collection clearing fund.....	No limit
Excise tax refund clearing fund	No limit
State withholding tax clearing fund	No limit
Unemployment compensation tax clearing fund	No limit
Construction defects recovery fund.....	No limit
Preventive health care program fund	No limit
Facilities conservation improvement fund.....	No limit
State revolving fund services fee fund	No limit
Cafeteria benefits fund	No limit
<i>Provided</i> , That expenditures from the cafeteria benefits fund for salaries and wages and other operating expenditures shall not exceed \$2,100,362.	
Dependent care assistance program fund	No limit
Conversion of materials and equipment — recycling program fund	No limit
Curtis office building maintenance reserve fund.....	No limit
Employees faithful performance bond clearing fund	No limit
Deferred compensation clearing fund	No limit
Deferred compensation fees fund.....	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund.....	No limit
Series E savings bond clearing fund	No limit
Optional life insurance clearing fund	No limit
Employee organization dues clearing fund	No limit
United Way contributions clearing fund.....	No limit
Setoff clearing fund	No limit
Parking fees clearing fund.....	No limit
Electronic funds transfer suspense fund.....	No limit
State employee contribution clearing fund for OASDHI	No limit
Intergovernmental cooperation agreement for development of statewide cost allocation plan clearing fund	No limit
Medicare fund clearing account.....	No limit
Surplus property program fund — on budget.....	No limit

Surplus property program fund — off budget.....	No limit
Non-state employer group benefit fund	No limit
Leave payment reserve clearing fund.....	No limit
Administrative hearings office fund	No limit
Older Americans act long term care ombudsman federal fund	No limit
Office of health planning and finance fund.....	No limit
<i>Provided</i> , That expenditures from the office of health planning and finance fund for the fiscal year ending June 30, 2005, for official hospitality shall not exceed \$1,000.	
Long term care ombudsman gift and grant fund.....	No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer from the state general fund to the deferred compensation fees fund of the department of administration interest earnings based on: (1) The average daily balance of moneys in the deferred compensation fees fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2004, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(e) During the fiscal year ending June 30, 2005, the secretary of administration is authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such project is approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2005 by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2005 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of the legislative research department.

(g) On July 1, 2004, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2005 shall be equal to and shall not exceed \$321,796.

(h) (1) On July 1, 2004, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2005, except that such amount shall be proportionally adjusted during fiscal year 2005 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2005. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2004 and fiscal year 2005 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2005 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2005, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2005.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(1) On July 1, 2004, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2005, except that such amount shall be proportionally adjusted during fiscal year 2005 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2005. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2005 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2005, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2005.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) During the fiscal year ending June 30, 2005, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department of administration to another item of appropriation for fiscal year 2005 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(k) On October 1, 2004, on January 1, 2005, on April 1, 2005, and on June 30, 2005, the state corporation commission shall transfer any unencumbered balance in excess of \$40,000 in the facility conservation improvement program fund of the state corporation commission to the architectural services recovery fund of the department of administration: *Provided*, That the amounts transferred from the facility conservation improvement program fund of the state corporation commission to the architectural services recovery fund of the department of administration pursuant to this subsection are to reimburse the architectural services recovery fund of the department of administration for architectural and related services which are performed on behalf of the facility conservation improvement program of the state corporation commission by the department of administration.

(l) On July 1, 2004, or as soon thereafter as moneys are available, the director of the budget shall certify to the director of accounts and reports the amount equal to that portion of the unencumbered balance in the budget fees fund that originated from private grants to finance the office of health planning and finance. Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the budget fees fund of the department of administration to the office of health planning and finance fund of the department of administration.

(m) (1) On June 30, 2005, the director of accounts and reports shall transfer any unencumbered balance in the state budget stabilization fund to the state general fund.

(2) During the fiscal year ending June 30, 2005, upon the release of each encumbrance of moneys in the state budget stabilization fund, the director of accounts and reports shall transfer the amount equal to the unexpended balance of each such released encumbrance from the state budget stabilization fund to the state general fund.

(n) On July 1, 2004, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2005, the director of accounts and reports, in accordance with one or more certifications by the director of the budget, shall transfer one or more amounts from the surplus property program fund — on budget or the surplus property program fund — off budget, or from both such funds, of the department of administration to the state general fund.

(o) On July 1, 2004, the director of accounts and reports shall transfer any unencumbered balance in excess of \$40,000 in the facilities conservation improvements fund of the department of administration to the architectural services recovery fund of the department of administration.

(p) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 to provide for printing of expense and other warrant advises, which are issued and printed by the division of accounts and reports for distribution to state officers and employees, or to other individuals, when the payments are deposited in financial institutions through electronic funds transactions, so that personal identification information and payment transaction information is obscured, redacted or omitted to reduce the risk of identity theft.

(q) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2005, by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of administration to produce paper copies of the health risk appraisal instrument for any participant in the group health insurance plan who submits a written request for such paper copy.

(r) In addition to other purposes for which expenditures may be made by the department of administration from moneys appropriated from the information technology fund for the fiscal year ending June 30, 2005, by this or other appropriation act of the 2004 regular session of the legislature, the director of the division of information systems and communications is hereby authorized to fix, charge and collect fees for publication and distribution of the KANS-A-N telephone directory.

(s) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2005, by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of administration to assist the public broadcasting council in restoring transmission in the event of an equipment failure at radio stations KMUW in Wichita or Radio Kansas in Hutchinson.

Sec. 89.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$1,294,199
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund	\$13,994
BOTA filing fee fund	\$279,220

Sec. 90.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$20,046,408

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund No limit

Division of vehicles operating fund \$39,711,990

Provided, That all receipts collected under authority of K.S.A. 74-2012 and amendments thereto shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2005: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or of any statute, expenditures may be made from this fund for other operating expenditures of the department of revenue, including administration and operation of driver license and registration, administration of the taxation laws, administration of the alcoholic beverage control laws, and the indirect costs of operations in support of these activities in the department of revenue.

Vehicle dealers and manufacturers fee fund..... No limit

Kansas qualified agricultural ethyl alcohol producer incentive fund No limit

Local report fee fund No limit

Military retirees income tax refund fund No limit

Conversion of materials and equipment fund No limit

Forfeited property fee fund No limit

Setoff services revenue fund No limit

Publications fee fund No limit

State bingo regulation fund..... No limit

Child support enforcement contractual agreement fund No limit

County treasurers' vehicle licensing fee fund..... No limit

Reappraisal reimbursement fund No limit

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the board of tax appeals under K.S.A. 79-1479 and amendments thereto.

Special training fund..... No limit

Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury and credited to the special training fund.

Recovery fund for enforcement actions and attorney fees..... No limit

Federal commercial motor vehicle safety fund..... No limit

Central stores fund.....	No limit
<i>Provided</i> , That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: <i>Provided further</i> , That all moneys received for such supplies shall be deposited in the state treasury and credited to this fund.	
Microfilming fund.....	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , That all moneys received for such services shall be deposited in the state treasury and credited to this fund.	
Miscellaneous trust bonds fund	No limit
Liquor excise tax guarantee bond fund	No limit
Non-resident contractors cash bond fund	No limit
Bond guaranty fund.....	No limit
Interstate motor fuel user cash bond fund	No limit
Motor fuel distributor cash bond fund.....	No limit
County and city bingo tax fund.....	No limit
Special county mineral production tax fund.....	No limit
County drug tax fund	No limit
Escheat proceeds suspense fund.....	No limit
Privilege tax refund fund	No limit
Suspense fund.....	No limit
Cigarette tax refund fund.....	No limit
Motor-vehicle fuel tax refund fund	No limit
Cereal malt beverage tax refund fund	No limit
Income tax refund fund	No limit
Sales tax refund fund	No limit
Compensating tax refund fund	No limit
Alcoholic liquor tax refund fund	No limit
Cigarette/tobacco products regulation fund	No limit
Motor carrier tax refund fund.....	No limit
Car company tax fund	No limit
Protested motor carrier taxes fund.....	No limit
Tobacco products refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-1694a.....	No limit
Interstate motor fuel taxes clearing fund	No limit
Bingo refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100	No limit
Inheritance tax abatement refund fund.....	No limit
Interstate motor fuel taxes refund fund.....	No limit
Interfund clearing fund.....	No limit
Local alcoholic liquor clearing fund.....	No limit
International registration plan distribution clearing fund.....	No limit
Rental motor vehicle excise tax refund fund.....	No limit
International fuel tax agreement clearing fund.....	No limit
Mineral production tax refund fund	No limit
Special fuels tax refund fund	No limit
LP-gas motor fuels refund fund.....	No limit
Local alcoholic liquor refund fund	No limit
Sales tax clearing fund.....	No limit
Rental motor vehicle excise tax clearing fund	No limit
VIPS/CAMA technology hardware fund.....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 74-2021 and amendments thereto or of any other statute, expenditures may be made from VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties, of administration and operation of the department of revenue,	

and of the indirect costs of operations in support of these activities in the department of revenue.

County and city retailers sales tax clearing fund — county and city sales tax.....	No limit
City and county compensating use tax clearing fund.....	No limit
County and city transient guest tax clearing fund.....	No limit
Automated tax systems fund.....	No limit
Dyed diesel fuel fee fund.....	No limit
Electronic databases fee fund.....	No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2022 and amendments thereto or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems; of the administration and operation of the department of revenue; and of the indirect costs of operations in support of these activities in the department of revenue.

Photo fee fund.....	No limit
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Provided, That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of implementing Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.

Estate tax abatement refund fund.....	No limit
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(c) On July 1, 2004, October 1, 2004, January 1, 2005, and April 1, 2005, the director of accounts and reports shall transfer \$9,532,114.25 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2004, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 *et seq.*, and amendments thereto.

(e) On August 1, 2004, the director of accounts and reports shall transfer \$60,000 from the social welfare fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 91.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund.....	No limit
Lottery operating fund.....	\$9,303,945

Provided, That all expenditures from the lottery operating fund for on-line terminal communication charges, for on-line vendor commission payments, for instant ticket printing charges, or for refunds and transfers shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures from this fund for official hospitality shall not exceed \$5,000; *And provided further*, That any expenditure from the lottery operating fund to reimburse the audit services fund of the division of legislative post audit for audits performed pursuant to K.S.A. 74-8707 and amendments thereto in amounts certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the lottery operating fund for the fiscal year ending June 30, 2005.

(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, an amount of not less than \$4,500,000 shall be transferred monthly in the fiscal year ending

June 30, 2005, with the first transfer to be made on or before August 15, 2004, and monthly transfers shall continue until an aggregate total of not less than \$63,250,000 shall be transferred by July 15, 2005, for a total of 12 monthly transfers to be made during the period. The director of accounts and reports shall transfer moneys certified by the director of the Kansas lottery from the lottery operating fund to the state gaming revenues fund on or before the 15th of each month in an amount of not less than \$4,500,000 for each transfer during the period ending June 30, 2005.

(c) On June 16, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$500,000 from the lottery operating fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the lottery operating fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the lottery operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas lottery by other state agencies which receive appropriations from the state general fund to provide such services.

(d) Notwithstanding the provisions of K.S.A. 79-4801 and amendments thereto and in addition to the requirements of subsection (b) of this section, on or after January 15, 2005, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of \$500,000: *Provided*, That the director of accounts and reports shall transfer immediately thereafter from the state gaming revenues fund to the state general fund an amount of \$500,000: *Provided further*, That, on or before June 15, 2005, the executive director of the lottery shall certify to the director of accounts and reports the amount of total profit attributed to the special veterans benefits game, reduced by the \$500,000 previously transferred pursuant to this subsection: *And provided further*, That, upon receipt of such additional certification from the executive director of the lottery, the director of accounts and reports shall transfer the amount so certified from the lottery operating fund to the state gaming revenues fund.

Sec. 92.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....	\$3,047,161
<i>Provided</i> , That all expenditures from the state racing fund for refunds and transfers shall be in addition to any expenditure limitation imposed on this fund: <i>Provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$2,500: <i>And provided further</i> , That any expenditure from the state racing fund to reimburse the audit services fund of the division of legislative post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2005.	
Racing reimbursable expense fund.....	No limit
Racing applicant deposit fund.....	No limit
Kansas horse breeding development fund.....	No limit
Kansas greyhound breeding development fund.....	No limit
Racing investigative expense fund.....	No limit
Horse fair racing benefit fund.....	No limit
Tribal gaming fund.....	\$1,650,753

Provided, That expenditures from the tribal gaming fund for the fiscal year ending June 30, 2005, for official hospitality shall not exceed \$1,500.

(b) On July 1, 2004, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency

from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2005 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2005 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) Notwithstanding any other provision of law, no transfers shall be made during the fiscal year ending June 30, 2005, from the state racing fund to any fund of the Kansas bureau of investigation for any purpose. All payments during the fiscal year ending June 30, 2005, for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered. Any expenditure from the state racing fund during fiscal year 2005 to reimburse the Kansas bureau of investigation for professional services and fees in an amount certified by the director of the Kansas bureau of investigation shall be in addition to any expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2005.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2005 for the Kansas racing and gaming commission by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2005 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, and investigations of other criminal activities related to tribal gaming, which are hereby authorized.

(f) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the state racing fund for fiscal year 2005 for the Kansas racing and gaming commission by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made from the state racing fund for fiscal year 2005 for paying salaries and wages of agency personnel performing criminal history record checks, background investigations and other investigations specified in statute.

(g) During the fiscal year ending June 30, 2005, notwithstanding the provisions of K.S.A. 74-8826 and amendments thereto, the director of accounts and reports shall transfer in one or more amounts an aggregate of not less than \$115,016 from the state racing fund to the state gaming revenues fund on or before June 30, 2005.

Sec. 93.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

State brand and image implementation.....	\$600,000
Operating grant (including official hospitality)	\$14,868,030

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *And provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants

to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: *And provided further*, That during fiscal year 2005, expenditures made by the department of commerce from the operating grant (including official hospitality) account of the state economic development initiatives fund shall be made for the purpose of achieving the following outcome measures:

Measure	Budget Year Projection FY 2005
Jobs created by projects utilizing KDOC assistance	5,361
Jobs retained by projects utilizing KDOC assistance	4,000
Payroll generated by projects utilizing KDOC assistance	\$189,648,000
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$440,000,000
Funds leveraged through match in projects utilizing KDOC assistance	\$11,450,000
Individuals trained through workforce development programs	7,900
Sales generated by projects utilizing KDOC assistance	\$63,970,000
Increase in visitation resulting from KDOC tourism promotion efforts	335,800
Tourism revenue generated as a result of KDOC tourism promotion	\$26,750,000
Kansans served with counseling, technical assistance or business services	4,552
Number of communities receiving community assistance services	230

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Publication and other sales fund	No limit
Conversion of equipment and materials fund	No limit
Conference registration and disbursement fund	No limit
Kansas venture capital companies certificate fee fund.....	No limit
Trademark fund.....	No limit
Flood mitigation assistance federal fund.....	No limit
Trade show promotion fund.....	No limit
Kansas tourist attraction matching grant development fund.....	No limit
Greyhound tourism fund	No limit
Reimbursement and recovery fund	No limit
Community development block grant — federal fund.....	No limit
Community development block grant — federal fund — revolving loan account	No limit
Other federal grants fund.....	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the fiscal year 2005, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

National main street center fund.....	No limit
IMPACT program services fund	No limit

IMPACT program repayment fund	No limit
Kansas partnership fund	No limit
<i>Provided</i> , That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.	
Goodyear bond repayment fund	No limit
<i>Provided</i> , That, on July 1, 2004, or as soon thereafter as moneys are available, the director of the division of accounts and reports shall transfer from the state general fund to the Goodyear bond repayment fund an amount sufficient to pay annual debt service on the bond obligations authorized pursuant to K.S.A. 74-8942 through 74-8945 and amendments thereto as certified by the secretary of commerce, in accordance with and subject to the provisions of K.S.A. 74-8943 and amendments thereto.	
General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.	
Market development fund	No limit
<i>Provided</i> , That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: <i>Provided further</i> , That all moneys received by the department of commerce for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury and credited to this fund.	
Kansas economic opportunity initiatives fund	No limit
Kansas existing industry expansion fund	No limit
<i>Provided</i> , That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: <i>Provided further</i> , That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury and credited to this fund.	

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2005, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of *Kansas!* magazine and other publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce, including those provided at tourist information centers: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2005, in accordance with the provisions of this or other appropriation act of the 2004 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(d) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal

year 2005 for the department of commerce as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2005 for official hospitality.

(e) On August 15, 2004, and December 15, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,612,500 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(f) On August 15, 2004, and December 15, 2004, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the state economic development initiatives fund to the Kansas existing industry expansion fund of the department of commerce.

(g) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer the amount or amounts specified by the secretary of commerce from the Kansas venture capital companies certificate fee fund to the general fees fund to reimburse the amount expended from the general fees fund for consulting services purchased by the department of commerce in connection with establishing a program to administer the certified capital formation company act.

Sec. 94.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Operations (including official hospitality).....	\$315,906
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas, Inc., matching fund.....	No limit
Conversion of materials and equipment fund.....	No limit

Sec. 95.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Operations, assistance and grants (including official hospitality)	\$11,490,217
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Provided, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

MAMTC federal fund.....	No limit
KTEC special revenue fund.....	No limit

(c) No moneys appropriated for the fiscal year or years specified, by this or other appropriation act of the 2004 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto or as otherwise specifically authorized by statute.

Sec. 96.

DEPARTMENT OF HUMAN RESOURCES

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Older Kansans employment program.....	\$239,430
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(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$1,055,737

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2005, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 *et seq.*, and 75-4321 *et seq.*, and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of human resources shall not exceed \$2,000.

Any unencumbered balance in excess of \$100 as of June 30, 2004, in each of the following accounts is hereby reappropriated for fiscal year 2005: Welfare to work grant — state match.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen’s compensation fee fund	\$11,013,511
Occupational health and safety — federal fund	\$580,153
Boiler inspection fee fund	No limit
General fees fund	No limit
Special employment security fund	No limit

Provided, That expenditures may be made from the special employment security fund for payment of the portion of telecommunications services provided by the state of Kansas which are required to be paid from nonfederal sources: *Provided, however*, That expenditures from the special employment security fund for such purpose shall not exceed \$40,000: *Provided further*, That expenditures may be made from the special employment security fund for payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided, however*, That expenditures from this fund for such debt service shall not exceed \$279,758: *And provided further*, That expenditures may be made from the special employment security fund for the wheat harvest program: *And provided further*, That expenditures from this fund for the wheat harvest program shall not exceed \$66,082: *And provided further*, That expenditures may be made from the special employment security fund for payment for the department of administration’s lease space agreement: *And provided further*, That expenditures from this fund for payment of such lease space agreement shall not exceed \$21,965.

Employment security administration fund	No limit
State workplace health and safety fund	No limit
Wage claims assignment fee fund	No limit
Employment security computer systems institute fund	No limit
Workforce investment act state operations fund	No limit
Welfare to work grant — federal fund	No limit
Workforce investment act non-state operations fund	No limit
Human resources special projects fund — federal	No limit
Advisory committee on Hispanic affairs — donations fund	No limit
Committee on employment of the handicapped — gifts, grants and donations fund	No limit
Federal indirect cost offset fund	\$344,150
Dispute resolution fund	No limit

Provided, That all moneys received by the secretary of human resources for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto shall be deposited in the state treasury and credited to the dispute resolution fund: *Provided further*, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees’ organization involved in such mediation and fact-finding procedures.

Employment security fund No limit
 Employment security administration property sale fund..... No limit
Provided, That the secretary of human resources, in consultation with the secretary of administration, is hereby authorized to make expenditures from the employment security administration property sale fund to purchase or acquire by exchange additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources, including the initiation, planning and completion of capital improvements on such real estate for such purposes: *Provided, however*, That no expenditures shall be made from this fund for a proposed purchase or other acquisition of additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of human resources on such real estate for such purposes, have been reviewed by the joint committee on state building construction.

(d) In addition to the other purposes for which expenditures may be made by the department of human resources from moneys appropriated from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the department of human resources for fiscal year 2005 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of human resources: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of human resources may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of human resources shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of human resources shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of human resources: *Provided, however*, That expenditures from such fund shall not exceed the limitation established for fiscal year 2005 by this or other appropriation act of the 2004 regular session of the legislature except upon approval of the state finance council.

Sec. 97.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures — veterans affairs \$1,554,183

Provided, That any unencumbered balance in the operating expenditures — veterans affairs account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Operations — state veterans cemeteries \$437,902

Provided, That any unencumbered balance in the operations — state veterans cemeteries account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$500.

Operating expenditures — Kansas soldiers' home \$1,730,750

Provided, That any unencumbered balance in the operating expenditures — Kansas soldiers' home account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Operating expenditures — Kansas veterans' home..... \$1,760,410

Provided, That any unencumbered balance in the operating expenditures — Kansas veter-

ans' home account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on veterans affairs fund.....	\$50,019
Soldiers' home fee fund	\$2,074,686
Soldiers' home benefit fund	No limit
Soldiers' home work therapy fund	No limit
Veterans' home fee fund.....	\$5,833,139
Persian Gulf War veterans health initiative fund.....	No limit
Veterans' home canteen fund	No limit
Veterans' home benefit fund	No limit
Soldiers' home outpatient clinic fund.....	\$368,103
State veterans cemeteries fee fund.....	\$9,167
State veterans cemeteries donations and contributions fund	No limit
Outpatient clinic patient federal reimbursement fund — federal.....	No limit
VA burial reimbursement fund — federal.....	No limit
Veterans home federal fund.....	No limit
Soldiers home federal fund.....	No limit
Commission on veterans affairs federal fund.....	No limit

Sec. 98.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality).....	\$6,926,940
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of health in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That expenditures from such reappropriated balance shall not exceed \$1,087 except upon approval of the state finance council.	
SIDS network grant.....	\$25,000
<i>Provided</i> , That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Vaccine purchases.....	\$869,598
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Infant and toddler program	\$1,871,305
<i>Provided</i> , That any unencumbered balance in the infant and toddler program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Aid to local units	\$4,757,102
<i>Provided</i> , That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That expenditures from the aid to local units account for child care licensure activities are hereby authorized to be made for contracts which are hereby authorized to be entered into by the secretary of health and environment with local health departments, private individuals and others: <i>And provided further</i> , That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246 and amendments thereto.	
Aid to local units — primary health projects	\$1,520,840
<i>Provided</i> , That any unencumbered balance in the aid to local units — primary health projects account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That no expenditures shall be made from the aid to local units — primary health projects account to disburse any amount to a local government or other health care unit until the amount has been matched on a \$1 for \$1 basis by the local government or	

other health care unit on a cash or in-kind basis, or some combination thereof, as approved by the secretary of health and environment.

Teen pregnancy prevention activities \$537,660

Provided, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens: *And provided further*, That expenditures may be made from this account for grants made pursuant to K.S.A. 65-1,158 and amendments thereto: *And provided further*, That no expenditures shall be made from this account to disburse any amount to the recipient of any grant pursuant to K.S.A. 65-1,158 and amendments thereto until the amount has been matched in the manner prescribed by K.S.A. 65-1,158 and amendments thereto.

Aid to local units — family planning..... \$98,880

Provided, That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That all expenditures from the aid to local units — family planning account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients: *And provided further*, That all expenditures from this account pursuant to such grant agreements shall be made only for the costs of pap smears or initial and follow-up laboratory tests.

Immunization programs \$350,000

Provided, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That all expenditures from the immunization programs account shall be for the purpose of providing expanded immunization services at local health departments.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Title XIX fund..... No limit

Health care database fee fund..... No limit

Breast and cervical cancer program and detection fund..... No limit

Health and environment training fee fund — health No limit

Provided, That expenditures may be made from the health and environment training fee fund — health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to this fund: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund — health for fiscal year 2005, expenditures may be made by the department of health and environment from the health and environment training fee fund — health for fiscal year 2005 for agency operations for the division of health.

Health facilities review fund..... No limit

Food service inspection reimbursement fund No limit

Food inspection fee fund..... No limit

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food

service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of health and environment under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be deposited in the state treasury and credited to this food inspection fee fund: *And provided further*, That, on July 1, 2004, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Insurance statistical plan fund..... No limit

Health and environment publication fee fund — health..... No limit

Provided, That expenditures from the health and environment publication fee fund — health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.

District coroners fund No limit

Sponsored project overhead fund — health No limit

Child care facilities licensure fund..... No limit

Federal cancer registry fund No limit

Child care and development block grant — federal fund..... No limit

Office of rural health — federal fund..... No limit

Medicare fund — federal..... No limit

Provided, That transfers of moneys from the medicare fund — federal to the state fire marshal may be made during fiscal year 2005 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Federal migrant health program fund No limit

Venereal disease control project fund — federal..... No limit

Disease prevention and health promotion federal grants fund No limit

Provided, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the disease prevention and health promotion federal grants fund:

Provided further, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Federal women, infants and children health program fund No limit

Federal occupational health and safety statistics program fund No limit

Other federal grants fund — health No limit

Provided, That the department of health and environment is authorized to make expenditures for the division of health and environment from the other federal grants fund — health of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature:

Provided, however, That, upon application to and authorization by the governor, the division of health and environment may make expenditures for the division of health and environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Immunization grant funds — federal fund No limit

Title I — P.L. 99-457 child development — federal fund..... No limit

Preventive health and health services block grant fund..... No limit

Maternal and child health services block grant fund..... No limit

National center for health statistics fund — federal	No limit
Federal title X family planning fund	No limit
Early childhood developmental services — federal fund	No limit
Commodity supplemental food program fund	No limit
Special child clinic program — federal fund	No limit
Make a difference information network — federal fund	No limit
Ryan White Title II — federal fund	No limit
Bicycle helmet revolving fund	No limit
SSA fee fund	No limit
Lead poisoning prevention — federal fund	No limit
Title IV-E — federal fund	No limit
Trauma fund	No limit

Provided, That, notwithstanding the provisions of K.S.A. 2003 Supp. 75-5670 and amendments thereto, expenditures may be made by the department of health and environment for fiscal year 2005 for the stroke prevention project from the trauma fund of the department of health and environment.

Federal homeland security fund	No limit
AIDS project — education and risk reduction fund — federal	No limit
Medical student loan repayment fund — federal	No limit
HRSA federal grant fund	No limit
Gifts, grants and donations fund — health	No limit
Special bequest fund — health	No limit
Civil registration and health statistics fee fund	No limit
Tobacco use prevention and control program fund	No limit

Provided, That expenditures from this fund may be made for the establishment of a comprehensive state-wide tobacco use prevention and control program: *Provided further*, That the comprehensive state-wide tobacco use prevention and control program shall support tobacco use prevention and control activities including but not limited to: (1) Community programs to prevent and reduce tobacco use through local involvement and partnerships; (2) school-based programs to prevent and reduce tobacco use; (3) tobacco cessation programs for youth and adults; (4) special projects to reduce the disparities in smoking prevalence among various populations; (5) restriction of youth access to tobacco products; (6) surveillance of smoking rates; and (7) any other activities determined by the secretary to be necessary to implement the program: *And provided further*, That programs shall be selected by the secretary through an application process that takes into account whether a program utilizes methods recognized as effective in reducing smoking and tobacco use and eligible applicants include, but are not limited to, a health care provider, a school, a college or university, a local public health department, a public health organization, a health care provider organization, association or society where a professional educational organization: *And provided further*, That, as part of the comprehensive state-wide tobacco use prevention and control program, expenditures shall be made to evaluate the effectiveness of the efforts by state and local governments to reduce the use of tobacco products among minors and adults with the principal measurements of effectiveness including negative attitudes toward tobacco use and reduction of tobacco use among the general population and among target populations prone to tobacco use: *And provided further*, That expenditures shall be made as part of this program to diminish tobacco use among minors and adults and, to the extent practicable to ensure that the following is achieved: (1) The secretary shall conduct as part of this program an independent evaluation of the statewide tobacco use prevention and control program to accomplish the maximum prevention and reduction of use among adults and minors possible through the most efficient allocation of state tobacco education and cessation resources; (2) the secretary's evaluation shall be provided to the governor, the president of the senate and the speaker of the house of representatives on or before July 1, 2005; (3) the comprehensive evaluation design shall be guided by the following: (A) Sound evaluation principles, including elements of controlled experimental methods, to the extent feasible; (B) an evaluation of the comparative effectiveness of individual program designs, which shall be used in funding decisions and program modifications; and (C) an evaluation of other programs identified by state agencies, local lead agencies and federal agencies: *And*

provided further, That as part of this program expenditures shall be made from the tobacco use prevention and control program fund for submission to the governor and the legislature of a tobacco control report that describes the extent of the use of tobacco products by minors in the state and documents the progress state and local governments have made in reducing tobacco use among minors: *And provided further*, That the secretary shall submit the tobacco control report on or before July 1, 2005, and to the extent practicable, the report shall include the following information on a county by county basis: (1) The number of licensed and registered tobacco retailers and vendors; (2) the names and addresses of retailers and vendors who have paid fines or have been otherwise penalized due to enforcement actions; (3) the number of complaints filed against licensed and registered tobacco retailers; (4) the number of fires caused or believed to be caused by tobacco products and deaths and injuries resulting therefrom; (5) the number and type of compliance checks conducted; (6) the number of licensed and registered tobacco retailers and vendors; (7) the names and addresses of retailers and vendors who have paid fines or have been otherwise penalized due to enforcement actions; (8) the number of complaints filed against licensed and registered tobacco retailers; (9) the number of fires caused or believed to be caused by tobacco products and deaths and injuries resulting therefrom; (10) the number and type of compliance checks conducted; (11) a survey of attitudes and behaviors regarding tobacco use among minors, and the initial survey shall be deemed to constitute the baseline survey; (12) the number of tobacco users and estimated trends in tobacco use among minors; (13) annual tobacco sales; (14) tax revenue collected from sale of tobacco products; (15) the number of licensed tobacco retail outlets; (16) the number of cigarette vending machines; and (17) the names of entities that have paid fines due to enforcement actions; (18) tobacco control efforts sponsored by state government agencies, including money spent to educate minors on the hazards of tobacco use; (19) recommendations for improving tobacco control efforts in the state; and (20) other information the secretary deems appropriate.

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2005, the following:

Healthy start \$250,000

Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Infants and toddlers program \$800,000

Provided, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Smoking prevention..... \$500,000

Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(d) On July 1, 2004, and on other occasions during fiscal year 2005 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — health of the department of health and environment — division of health.

(e) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$780,415 from the child care and development fund of the department of social and rehabilitation services to the child care and development block grant — federal fund of the department of health and environment.

(f) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$617,153 from the foster care assistance federal fund of the department of social and rehabilitation services to the title IV-E — federal fund of the department of health and environment.

(g) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment — division of health, which have available moneys, to the sponsored project overhead fund — health of the department of health and environment — division of health for expenditures, as the case may be, for administrative expenses.

(h) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: *Provided*, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2005 made by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(i) During the fiscal year ending June 30, 2005, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of health to the sponsored project overhead fund — health of the department of health and environment — division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) During the fiscal year ending June 30, 2005, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for FY 2005 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(k) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from moneys appropriated from the district coroners fund for fiscal year 2005, as authorized by this or other appropriation act of the 2004 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245 and amendments thereto, or any other statute, expenditures may be made by the department of health and environment — division of health from such moneys appropriated from the district coroners fund for fiscal year 2005 pursuant to K.S.A. 22a-242 and amendments thereto.

(l) On July 1, 2004, the director of accounts and reports shall transfer \$180,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality

of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 *et seq.*, and amendments thereto.

(m) Notwithstanding any other provision of any appropriation act of the 2004 regular session of the legislature for fiscal year 2005, the department of health and environment is hereby prohibited from making any expenditures from any moneys appropriated from the state general fund or any special revenue funds for the fiscal year ending June 30, 2005, for the following purposes related to licensure requirements:

(1) Facilities, programs or services operated by a school on school property for children five years and older before and after the customary school day during the regular school term;

(2) non-residential programs or services designated for mental health treatment of children and adolescents provided by a community mental health center licensed pursuant to K.S.A.75-3307b, and amendments thereto;

(3) drop-in recreation programs that are for children five years and older provided by a municipality, the salvation army, the boys and girls club of America where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects including, but not limited to, music, dance and religion, and the program provider does not assume responsibility for the provision of daily child care outside the scheduled program; and

(4) day camping or recreation programs for children five years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven hours per day or which are accredited by the American camping association or other national standard-setting agency or church camp accreditation programs which must provide standards equivalent to the American camping association standards: *Provided*, That this subsection (m) shall not preclude any person who is not required to be licensed under K.S.A. 65-501, *et seq.*, and amendments thereto, from applying for a license nor shall this section preclude the secretary of health and environment from issuing a license to any person not required to be licensed.

(n) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the department of health and environment — division of health from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 for grants to fetal alcohol syndrome diagnostic and prevention network program pilot project programs.

Sec. 99.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality).....	\$9,202,485
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Stream II	\$557,843

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation fee fund.....	No limit
Solid waste management fund.....	No limit

Provided, That expenditures may be made from the solid waste management fund during

the fiscal year ending June 30, 2005, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

Public water supply fee fund	No limit
Voluntary cleanup fund	No limit
Storage tank fee fund	No limit
Air quality fee fund	No limit
Hazardous waste collection fund	No limit
Power generating facility fee fund	No limit
Health and environment training fee fund — environment	No limit

Provided, That expenditures may be made from the health and environment training fee fund — environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to this fund: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund — environment for fiscal year 2005, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2005 for agency operations for the division of environment.

Driving under the influence equipment fund	No limit
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Provided, That expenditures from the driving under the influence equipment fund may be made only for the purpose of purchasing blood or breath alcohol concentration testing equipment, and other related expenditures.

Nuclear safety emergency preparedness special revenue fund	No limit
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Provided, That all moneys received from the adjutant general from the nuclear safety management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment — division of environment.

Waste tire management fund	No limit
Health and environment publication fee fund — environment	No limit

Provided, That expenditures from the health and environment publication fee fund — environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.

Local air quality control authority regulation services fund	No limit
Environmental response fund	No limit
Sponsored project overhead fund — environment	No limit
Resource conservation and recovery act — federal fund	No limit
Water supply fund — federal	No limit
EPA voluntary cleanup federal fund	No limit

Provided, That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2005 shall be supplemental to fees collected for direct or indirect costs of administering the voluntary cleanup and property redevelopment act: *Provided, however*, That such expenditures shall be in accordance with the federal agreement entered into by the secretary of health and environment for the grant moneys.

Clinical laboratory improvement amendments — federal fund	No limit
EPA — core support fund	No limit
Other federal grants fund — environment	No limit

Provided, That the department of health and environment is authorized to make expenditures for the division of environment from the other federal grants fund — environment of

any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the department of health and environment may make expenditures for the division of environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Resource conservation and recovery act — federal fund	No limit
Federal air quality program fund	No limit
Leaking underground storage tank trust — federal fund	No limit
National surface mining control and reclamation act — federal fund	No limit
Abandoned mined-land fund	No limit
State indoor radon grant — federal fund	No limit
EPA non-point source implementation — federal fund	No limit
Pollution prevention program — federal fund	No limit
Gifts, grants and donations fund — environment	No limit
Special bequest fund	No limit
Aboveground petroleum storage tank release trust fund	No limit
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund	No limit
Kansas water pollution control revolving fund	No limit

Provided, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: *Provided further*, That expenditures from this fund shall be made to provide for the payment of such matching grants.

Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds	No limit
Debt service reserve fund	No limit
EPA water related federal grants fund	No limit

Provided, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related federal grants fund.

Chemical control fund — federal	No limit
Subsurface hydracarbon storage fund	No limit
Clean air leadership fund — federal	No limit
Natural resources damages trust fund	No limit
Hazardous waste management fund	No limit
Brownfields revolving loan federal fund	No limit
Mined—land reclamation fund	No limit
104 (6) (1) outreach operator training program — federal fund	No limit
Underground storage tank fund — federal	No limit
Federal EPA underground injection control fund	No limit
Laboratory medicaid cost recovery fund — environment	No limit
Diagnostic X-ray program — federal fund	No limit
Environmental control use fund	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2005, for the state water plan project or projects specified as follows:

Contamination remediation	\$983,867
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
TMDL initiatives and use attainability analysis.....	\$320,088
Local environmental protection program.....	\$1,502,737
<i>Provided</i> , That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Nonpoint source program	\$385,975

(d) During the fiscal year ending June 30, 2005, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2005 from the state water plan fund for the department of health and environment to another item of appropriation for fiscal year 2005 from the state water plan fund for the department of health and environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department. (e) During the fiscal year ending June 30, 2005, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024 and amendments thereto.

(f) On July 1, 2004, and on other occasions during fiscal year 2005 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — environment of the department of health and environment — division of environment.

(g) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment — division of environment, which have available moneys, to the sponsored project overhead fund — environment of the department of health and environment — division of environment or to the sponsored project overhead fund — health of the department of health and environment — division of health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2005, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for FY 2005 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(i) During the fiscal year ending June 30, 2005, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of environment to the sponsored project overhead fund — environment of the department of health and environment — division of environment pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) On July 1, 2004, notwithstanding the provisions of K.S.A. 65-3424g and amendments thereto or any other statute, the director of accounts and reports shall transfer \$311,386 from the waste tire management fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the waste tire management fund of the department of health and environment —

division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(k) On July 1, 2004, notwithstanding the provisions of K.S.A. 55-1,118 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$150,544 from the subsurface hydrocarbon storage fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the subsurface hydrocarbon storage fund of the department of health and environment — division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(l) On July 1, 2004, notwithstanding the provisions of K.S.A. 65-34,129 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$316,749 from the aboveground petroleum storage tank release trust fund of the department of health and environment — division of environment to the state general fund: *Provided*, That the amount transferred from the aboveground petroleum storage tank release trust fund of the department of health and environment — division of environment to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 100.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Administration	\$243,399
<i>Provided</i> , That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That expenditures from this account for official hospitality by the secretary of aging shall not exceed \$550: <i>And provided further</i> , That expenditures from this account may be made for printing the agency's newsletter: <i>And provided further</i> , That printing the agency's newsletter shall not be subject to K.S.A. 75-1005 and amendments thereto.	
Administration — assessments	\$123,683
<i>Provided</i> , That any unencumbered balance in the administration — assessments account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Administration — assessments — Level II care	\$33,530
<i>Provided</i> , That any unencumbered balance in the administration — assessments — Level II care account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Administration — assessments — Level I care.....	\$283,645
<i>Provided</i> , That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Administration — medicaid	\$1,687,989
<i>Provided</i> , That any unencumbered balance in the administration — medicaid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Administration — older Americans act match.....	\$182,473
<i>Provided</i> , That any unencumbered balance in the administration — older Americans act match account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Senior care act	\$6,000,000
<i>Provided</i> , That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That	

each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2004 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2004: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 2005 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2004: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Program grants — nutrition — state match \$2,270,510

Provided, That any unencumbered balance in the program grants — nutrition — state match account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That each grant agreement with an area agency on aging for a grant from the program grants — nutrition — state match account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2004 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2004: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 2005 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2004: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — TCM/FE \$1,951,769

Provided, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — HCBS/FE \$24,091,046

Provided, That any unencumbered balance in the LTC — medicaid assistance — HCBS/FE account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — NF \$127,660,800

Provided, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided further, That expenditures may be made from the LTC — medicaid assistance — NF account for the PACE program: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures: *And provided further*, That the secretary of aging shall implement a base-year model of reimbursement for nursing facilities for state fiscal year 2005: *And provided further*, That information from the 2001 cost reports shall be used to calculate the base year: *And provided further*, That increases in reimbursement rates for nursing facilities may be made annually on an incremental basis and the secretary of aging may use a nationally recognized source to determine an appropriate inflationary factor in calculating such increases: *And provided further*, That the base year model shall allow for incentives and pass-through mechanisms to encourage

desired behaviors from the nursing facility industry and to recognize potential increases beyond the rate of normal inflation: *And provided further*, That any decision by the secretary of aging to initiate an incentive or pass-through mechanism shall be effectuated and funded within direct appropriations.

Nursing facilities regulation \$2,084,764

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Nursing facilities regulation — title XIX..... \$967,622

Provided, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Older Americans act — federal fund No limit

Title XIX fund — federal..... No limit

Provided, That transfers of moneys from the title XIX fund — federal to the state fire marshal may be made during fiscal year 2005 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Nutrition fund — federal..... No limit

Senior citizen nutrition check-off fund No limit

Conferences and workshops attendance and publications fees fund No limit

Provided, That the secretary of aging is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the department on aging and fees for copies of publications: *Provided further*, That such fees shall be deposited in the state treasury and credited to the conferences and workshops attendance and publications fees fund: *And provided further*, That expenditures may be made from this fund to defray all or part of the costs of such conferences and workshops including official hospitality and of such publications.

General fees fund..... No limit

Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury and credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund No limit

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund..... No limit

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*, That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund — grants — federal..... No limit

SHICK fund — state operations — federal..... No limit

Senior services fund \$1,200,000

Long-term care loan and grant fund..... No limit

Intergovernmental transfer administration fund.....	No limit
Non-government grant fund.....	No limit
Other federal grants and assistance fund.....	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants and assistance fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.	
Alzheimer's disease demonstration grant — federal fund	No limit
Health facilities review fund.....	No limit
Adult care licensing revolving fund	No limit
Medicare fund — federal.....	No limit

(c) During the fiscal year ending June 30, 2005, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department on aging to another item of appropriation for fiscal year 2005 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(d) In addition to the other purposes for which expenditures may be made by the department on aging from the senior care act account of the state general fund for fiscal year 2005 as authorized by this section, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2005 for the senior companion program: *Provided*, That expenditures for such purpose from the senior care act account of the state general fund for fiscal year 2005 shall not exceed \$25,000.

(e) During the fiscal years ending June 30, 2005 and June 30, 2006, the secretary of aging shall allocate the moneys appropriated for the department on aging from the state general fund in the program grants — nutrition — state match account for the in-home nutrition program in excess of any amount required to match federal funds under the federal older Americans act during each such fiscal year so that no area agency on aging receives an aggregate amount of moneys from the state general fund for the federal older Americans act nutrition program for such fiscal year that is less than 92% of the aggregate amount received by such area agency on aging for the immediately preceding fiscal year.

Sec. 101.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

State operations	\$94,946,260
<i>Provided</i> , That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and amendments thereto: <i>And provided further</i> , That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.	
Alcohol and drug abuse services grants.....	\$3,495,282
<i>Provided</i> , That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures from such reappropriated balance shall not exceed \$62,434 except upon approval of the state finance council.	
Mental health and retardation services aid and assistance.....	\$140,891,877
<i>Provided</i> , That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for	

fiscal year 2005: *Provided further*, That, during the fiscal year ending June 30, 2005, of the expenditures from this account for HCBS/MRDD services as authorized by this or other appropriation act of the 2004 regular session, reimbursement rates for consumers with documented extraordinary needs who currently receive, have been approved for or leave a state institution or private institutional setting and are approved for special tier or individualized rates shall be maintained at a level no lower than the rate of reimbursement for these consumers on July 1, 2002: *Provided, however*, That nothing in this or any other statute shall prohibit a reduction or guarantee an increase in the reimbursement rate for consumers with documented extraordinary needs because of a change as a result of the annual basis assessment: *And provided further*, That any reductions in the HCBS/MRDD funding in fiscal year 2005 shall be implemented based on information and recommendations obtained in the most recent rate study required under subsection (a)(3) of K.S.A. 39-1806 and amendments thereto.

Kansas neurological institute — operating expenditures..... \$11,048,774

Provided, That any unencumbered balance in the Kansas neurological institute — operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the Kansas neurological institute — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital — operating expenditures \$22,809,476

Provided, That any unencumbered balance in the Larned state hospital — operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the Larned state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Larned state hospital — sexual predator treatment program..... \$3,856,439

Osawatomie state hospital — operating expenditures \$8,035,978

Provided, That any unencumbered balance in the Osawatomie state hospital — operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the Osawatomie state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomie state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center — operating expenditures..... \$7,245,227

Provided, That any unencumbered balance in the Parsons state hospital and training center — operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the Parsons state hospital and training center — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to

be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility — operating expenditures..... \$3,841,426

Provided, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the Rainbow mental health facility — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children’s mental health initiative \$1,500,000

Provided, That no expenditures shall be made from the children’s mental health initiative account for inpatient hospital beds for children.

Children’s health insurance..... \$14,771,152

Provided, That any unencumbered balance in the children’s health insurance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$421,140 except upon approval of the state finance council.

Youth services aid and assistance..... \$70,758,231

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Vocational rehabilitation aid and assistance..... \$3,966,777

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker’s compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance..... \$53,895,402

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Community based services \$41,102,072

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Other medical assistance \$374,760,855

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Sex predator program..... \$100,481

Provided, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from such reappropriated balance shall not exceed \$200,000 except upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund.....	\$45,849,693
<i>Provided</i> , That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: <i>Provided further</i> , That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the other federal grants and assistance fund.	
Nonfederal reimbursements fund.....	No limit
<i>Provided</i> , That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: <i>Provided further</i> , That moneys in the nonfederal reimbursements fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.	
Kansas neurological institute fee fund.....	\$1,037,978
Kansas neurological institute — foster grandparents program — federal fund.....	No limit
Kansas neurological institute — patient benefit fund.....	No limit
Kansas neurological institute — work therapy patient benefit fund.....	No limit
Larned state hospital fee fund.....	\$2,575,875
Larned state hospital — elementary and secondary education fund — federal.....	No limit
Larned state hospital — vocational education fund — federal.....	No limit
Larned state hospital — ECIA fund — federal.....	No limit
Larned state hospital — canteen fund.....	No limit
Larned state hospital — patient benefit fund.....	No limit
Larned state hospital — motor pool revolving fund.....	No limit
Osawatomie state hospital fee fund.....	\$3,973,351
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited to the credit of the video teleconferencing fee account of the Osawatomie state hospital fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.	
Osawatomie state hospital — ECIA fund — federal.....	No limit
Osawatomie state hospital — canteen fund.....	No limit
Osawatomie state hospital — patient benefit fund.....	No limit
Osawatomie state hospital — work therapy patient benefit fund.....	No limit
Osawatomie state hospital — motor pool revolving fund.....	No limit
Osawatomie state hospital — training fee revolving fund.....	No limit
<i>Provided</i> , That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited to the credit of the Osawatomie state hospital — training fee revolving fund: <i>Provided further</i> , That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.	
Parsons state hospital and training center fee fund.....	\$1,254,346
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited to the credit of the video teleconferencing fee account of the Parsons state hospital and training center fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall	

be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Parsons state hospital and training center — canteen fund.....	No limit
Parsons state hospital and training center — patient benefit fund.....	No limit
Parsons state hospital and training center — work therapy patient benefit fund	No limit
Rainbow mental health facility fee fund.....	\$641,166
Rainbow mental health facility — elementary and secondary education fund — federal	No limit
Rainbow mental health facility — patient benefit fund.....	No limit
Social services clearing fund.....	No limit

Provided, That the secretary of social and rehabilitation services shall certify to the director of the budget on June 30, 2005, that expenditures from the social services clearing fund for state operations did not exceed \$306,526,585 for fiscal year 2005: *Provided, however*, That expenditures from the social services clearing fund for transfers or state operations for institutions under the control of the department of social and rehabilitation services shall be in addition to any expenditure limitation on the social services clearing fund: *Provided further*, That any transfer made from this fund to another state agency pursuant to a contract with that agency shall be in addition to any expenditure limitations imposed on this fund.

Social welfare fund.....	\$58,335,575
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Provided, That any transfers of funds between the social welfare fund and state institutions made by the secretary of social and rehabilitation services during fiscal year 2005 shall be in addition to any expenditure limitation imposed on this fund.

Health committee insurance fund	No limit
Other state fees fund	No limit
Alcohol and drug abuse block grant federal fund	No limit

Provided, That any transfers of moneys from the alcohol and drug abuse block grant federal fund to any other block grant fund specified in this subsection during fiscal year 2005 shall be in addition to any expenditure limitation imposed on this fund.

Ryan White title II federal fund	No limit
Child welfare services block grant federal fund	No limit
Mental health block grant federal fund.....	No limit
Social services block grant — federal fund.....	No limit
Child care mandatory federal fund.....	No limit

Provided, That any transfers from the child care mandatory federal fund to the department of health and environment during fiscal year 2005 shall be in addition to any expenditure limitation imposed on this fund.

Children's cabinet grants federal fund.....	No limit
Temporary assistance to needy families federal fund	No limit
Child care matching federal fund	No limit
Child care discretionary federal fund	No limit
Disability determination services federal fund	No limit
Food stamp assistance federal fund.....	No limit
Foster care assistance federal fund	No limit
Medical assistance federal fund	No limit
Rehabilitation services federal fund.....	No limit
Other federal grants and assistance fund	No limit
SRS enterprise fund	No limit
SRS trust fund	No limit

Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

SRS AIDS drug reimbursement — federal fund.....	No limit
SRS — IGT fund	No limit
Child support enforcement administration fund	No limit
Energy assistance block grant federal fund.....	No limit
Children’s health insurance federal fund	No limit
Family and children trust account — family and children investment fund.....	No limit

Provided, That expenditures from the family and children trust account — family and children investment fund for official hospitality shall not exceed \$1,500.

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2005, the following:

Children’s cabinet accountability fund..... \$541,802

Provided, That any unencumbered balance in the children’s cabinet accountability fund account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Children’s mental health waiver..... \$3,800,000

Provided, That any unencumbered balance in the children’s mental health waiver account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Family centered system of care..... \$5,000,000

Provided, That any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Therapeutic preschool..... \$1,000,000

Provided, That any unencumbered balance in the therapeutic preschool account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Child care..... \$1,400,000

Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Community services for child welfare..... \$3,106,230

Provided, That any unencumbered balance in the community services for child welfare account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

HealthWave..... \$2,000,000

Provided, That any unencumbered balance in the HealthWave account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Children’s cabinet early childhood discretionary grant program..... \$8,895,491

Provided, That any unencumbered balance in the children’s cabinet early childhood discretionary grant program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That \$250,000 shall be expended from the children’s cabinet early childhood discretionary grant program account for fiscal year 2005 for smoking cessation/avoidance for pregnant women through the department of health and environment smoking cessation program through existing programs: *And provided further*, That \$200,000 shall be expended from the children’s cabinet early childhood discretionary grant program account for fiscal year 2005 for the department of health and environment infants and toddlers program.

Medicaid..... \$3,000,000

Provided, That any unencumbered balance in the medicaid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Immunization outreach..... \$500,000

Provided, That any unencumbered balance in the immunization outreach account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Family preservation..... \$3,343,770

Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

School violence prevention..... \$228,000

Provided, That any unencumbered balance in the school violence prevention account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2005, the following:

Children's cabinet administration \$252,882

(e) During the fiscal year ending June 30, 2005, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2005 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(f) On July 1, 2004, the superintendent of Osawatomi state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomi state hospital — canteen fund to the Osawatomi state hospital — patient benefit fund.

(g) On July 1, 2004, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center — canteen fund to the Parsons state hospital and training center — patient benefit fund.

(h) (1) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the other federal grants and assistance fund the amount specified by the secretary of social and rehabilitation services.

(2) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(I) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,332,070 from the temporary assistance to needy families federal fund to the social services block grant — federal fund.

(j) During the fiscal year ending June 30, 2005, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(k) During the fiscal year ending June 30, 2005, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2005, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2005, as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2005 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2005.

(l) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2005 for the department of social

and rehabilitation services as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2005 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That, in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*, That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be reduced or waived in cases of demonstrable hardship and for families at or below 200% of the federal poverty level who are receiving home and community based services: *And provided further*, That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury to the credit of the social welfare fund.

(m) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such transfers shall be certified by the director of the budget on December 1, 2004, and on June 1, 2005, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community- based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That the aggregate of all such transfers certified during fiscal year 2005 shall not exceed the amount required to support the movement of 75 individuals from nursing facilities to home and community-based services: *And provided further*, That each of the 75 individuals must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of the legislative research department.

(n) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 for to fully utilize the vocational rehabilitation federal grant.

Sec. 102. (a) During the fiscal year ending June 30, 2005, no expenditures shall be made from moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature for any state agency in any account of the children's initiatives fund for any amount for fiscal year 2005 in excess of the amount that was approved for expenditure from such account for fiscal year 2004, except after approval of the plan of the Kansas children's cabinet to evaluate the programs funded by appropriations from the children's initiatives fund by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 103. (a) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the children's initiatives fund to the state general fund.

Sec. 104.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Kansas guardianship program \$1,032,930
Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

Grants and gifts fund No limit
 Sec. 105.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality) \$9,181,977
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Governor's teaching excellence scholarships and awards \$222,000

Provided, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

General state aid \$1,760,302,000

Provided, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Special education services aid \$249,791,845

Provided, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983 and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978 and amendments thereto: *And provided further*, That for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 72-978 and amendments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders considered to be special teachers shall not exceed \$180,000.

Supplemental general state aid \$163,045,000

Provided, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Kansas foundation for agriculture project grant	\$35,000
<i>Provided</i> , That expenditures from the Kansas foundation for agriculture project grant account shall be used for agriculture in the classroom programs to supplement existing elementary and secondary curricula with agricultural information: <i>Provided further</i> , That expenditures from this account shall be made only if private funding sources are available to match such state grants on a 60% state and 40% private basis.	
Discretionary grants	\$130,000
School food assistance	\$2,510,486
School safety hotline	\$10,000
KPERS — employer contributions	\$134,979,253
<i>Provided</i> , That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided further</i> , That all expenditures from the KPERS — employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939 and amendments thereto: <i>And provided further</i> , That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.	
Parent education program	\$4,667,000
<i>Provided</i> , That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant: <i>Provided further</i> , That expenditures from this account for fiscal year 2005 for establishing and maintaining a Kansas training model that meets the requirement for the parents as teachers program shall not exceed \$27,500.	
Educable deaf-blind and severely handicapped children's programs aid	\$110,000
School district juvenile detention facilities and Flint Hills job corps center grants	\$5,599,393
<i>Provided</i> , That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187 and amendments thereto.	
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:	
State school district finance fund	No limit
School district capital improvements fund	No limit
<i>Provided</i> , That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72- 6761 and amendments thereto.	
Conversion of materials and equipment fund	No limit
State safety fund	No limit
School bus safety fund	No limit
Goals 2000 federal fund	No limit
Motorcycle safety fund	No limit
Federal indirect cost reimbursement fund	No limit
Certificate fee fund	No limit
Food assistance — federal fund	No limit
Food assistance — school breakfast program — federal fund	No limit
Food assistance — national school lunch program — federal fund	No limit
Food assistance — child and adult care food program — federal fund	No limit
Elementary and secondary school aid — federal fund	No limit
Elementary and secondary school aid — educationally deprived children — federal fund	No limit
Educationally deprived children — state operations — federal fund	No limit

Elementary and secondary school — educationally deprived children — LEA's fund	No limit
ESEA chapter II — state operations — federal fund	No limit
Education of handicapped children fund — federal	No limit
Education of handicapped children fund — state operations — federal	No limit
Education of handicapped children fund — preschool — federal fund ..	No limit
Education of handicapped children fund — preschool state operations — federal	No limit
Elementary and secondary school aid — federal fund — migrant education fund	No limit
Elementary and secondary school aid — federal fund — migrant education — state operations	No limit
Vocational education amendments of 1968 — federal fund	No limit
Vocational education title II — federal fund	No limit
Vocational education title II — federal fund — state operations	No limit
Educational research grants and projects fund	No limit
Education for economic security act — federal fund	No limit
Drug abuse fund — department of education — federal	No limit
Federal class size reduction fund	No limit
School renovation grants — federal fund	No limit
Drug abuse funds — federal — state operations fund	No limit
Inservice education workshop fee fund	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury and credited to the inservice education workshop fee fund.	
Private donations, gifts, grants and bequests fund	No limit
Interactive video fee fund	No limit
<i>Provided</i> , That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: <i>And provided further</i> , That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury and credited to the interactive video fee fund.	
Reimbursement for services fund	No limit
Communities in schools program fund	No limit
Governor's teaching excellence scholarships program repayment fund ...	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: <i>Provided further</i> , That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: <i>And provided further</i> , That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> , That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury and credited to this fund.	

Elementary and secondary school aid — federal fund — reading first ...	No limit
Elementary and secondary school aid — federal fund — reading first — state operations	No limit
State grants for improving teacher quality — federal fund	No limit
State grants for improving teacher quality — federal fund — state operations	No limit
Community service grants — federal fund	No limit
21st century community learning centers — federal fund	No limit
State assessments — federal fund	No limit
Rural and low-income schools program — federal fund	No limit
Language assistance state grants — federal fund	No limit
Service clearing fund	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2005, the following:

Grant to the Kansas optometric association for vision study..... \$300,000
Provided, That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Parent education program..... \$2,500,000
Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

General state aid four-year-old at-risk..... \$4,500,000
Provided, That any unencumbered balance in the general state aid four-year-old at-risk account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Special education services aid..... \$1,225,000
Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(d) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(e) On July 1, 2004, and quarterly thereafter, the director of accounts and reports shall transfer \$46,266 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

Sec. 106.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures..... \$1,550,466
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Grants to libraries and library systems..... \$3,404,337
Provided, That, of the moneys appropriated in the grants to libraries and library systems account, \$2,393,562 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto, \$624,670 shall be distributed for interlibrary loan development grants and \$386,105 shall be paid according to contracts with the subregional libraries of the Kansas talking book services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund	No limit
Federal library services and technology act — fund	No limit
Grants and gifts fund	No limit

Sec. 107.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$343,392

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005; *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000; *Provided further*, That expenditures may be made by the above agency from any amount of savings in the operating expenditures account for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

Arts programming grants and challenge grants \$1,138,465

Provided, That expenditures from the arts programming grants and challenge grants account shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects; *Provided further*, That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas arts commission fee fund No limit

Kansas arts commission gifts, grants and bequests — federal fund No limit

Kansas arts commission special gifts fund No limit

Arts programming grants fund No limit

Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund; *Provided further*, That expenditures from this fund shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

EDIF — arts programming grants and challenge grants \$35,000

Provided, That expenditures from the EDIF — arts programming grants and challenge grants account shall be only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects; *Provided further*, That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

(d) On July 1, 2004, the Kansas arts commission gifts, grants and bequests fund of the Kansas arts commission is hereby redesignated as the Kansas arts commission gifts, grants and bequests — federal fund of the Kansas arts commission.

Sec. 108.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$4,501,339

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Arts for the handicapped \$145,360

Any unencumbered balance in excess of \$100 as of June 30, 2004, in the technology lending library account is hereby reappropriated for fiscal year 2005; *Provided, however*, That all expenditures from the technology lending library account shall be made only for the purpose of matching an equal or greater amount of federal or other nonstate governmental grant moneys or private grant or donation moneys, or any combination thereof, received by the

Kansas state school for the blind: *Provided further*, That no expenditures shall be made from this account except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, after receiving information that the Kansas state school for the blind has received the required matching funds.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Local services reimbursement fund	No limit
<i>Provided</i> , That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: <i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury and credited to the local services reimbursement fund.	
Student activity fees fund	No limit
Special bequest fund	No limit
Gift fund	No limit
Technology lending library fund	No limit
Food assistance — cash for commodities — federal fund	No limit
Food assistance — breakfast — federal fund	No limit
Food assistance — lunch — federal fund	No limit
Chapter I handicapped — federal fund	No limit
Education improvement — federal fund	No limit
Math and science improvement — federal fund	No limit
Elementary and secondary — federal fund	No limit
Supported employment initiative — federal fund	No limit

Sec. 109.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$7,382,250
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Local services reimbursement fund	No limit
<i>Provided</i> , That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: <i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury and credited to the local services reimbursement fund: <i>And provided further</i> , That all expenditures from this fund shall be for capital outlay.	
Student activity fees fund	No limit
Elementary and secondary education act — federal fund	No limit
Vocational education fund — federal	No limit
Special bequest fund	No limit
Special workshop fund	No limit
Gift fund	No limit

Sec. 110.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$5,478,434
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.	
Kansas humanities council	\$81,830
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:	
Credit card clearing fund	No limit
Vehicle repair and replacement fund	No limit
General fees fund	No limit
Archeology fee fund	No limit
<i>Provided</i> , That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: <i>Provided further</i> , That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: <i>And provided further</i> , That all fees received from such services shall be credited to the archeology fee fund.	
Archeology federal fund	No limit
Microfilm fees fund	No limit
<i>Provided</i> , That expenditures may be made from the microfilm fees fund for operating expenses for providing microfilming services: <i>Provided further</i> , That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: <i>And provided further</i> , That all fees received from such services shall be credited to the microfilm fees fund.	
Records center fee fund	No limit
<i>Provided</i> , That expenditures may be made from the records center fee fund for operating expenses for providing copying and related services: <i>Provided further</i> , That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: <i>And provided further</i> , That all fees received from such services shall be deposited in the state treasury to the credit of the records center fee fund.	
Historic properties fee fund	No limit
National historic preservation act fund — state	No limit
Historic preservation overhead fees fund	No limit
National historic preservation act fund — local	No limit
Private gifts, grants and bequests fund	No limit
Museum and historic sites visitor donation fund	No limit
Insurance collection replacement/reimbursement fund	No limit
Heritage trust fund	No limit
<i>Provided</i> , That expenditures from the heritage trust fund for state operations shall not exceed \$108,932.	
Land survey fee fund	No limit
State historical society facilities fund	No limit
Historic properties fund	No limit
Law enforcement memorial fund	No limit
Other federal grants fund	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the	

legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Property sale proceeds fund..... No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701 and amendments thereto shall be deposited in the state treasury and credited to the property sale proceeds fund.

Sec. 111.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality)..... \$31,238,730

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund..... No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops — noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101 and amendments thereto: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Education opportunity act — federal fund..... No limit

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecom-

munications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Commencement fees fund	No limit
Health fees fund	No limit
<i>Provided</i> , That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Student union fees fund	No limit
Kansas career work study program fund	No limit
Economic opportunity act — federal fund	No limit
Kansas comprehensive grant fund	No limit
Scholarship funds fund	No limit
Faculty of distinction matching fund	No limit
Health professions student assistance program fund	No limit
Nine month payroll clearing account fund	No limit
Oil research library gifts and grants fund	No limit
Federal Perkins student loan fund	No limit
Housing system revenue fund	No limit
Institutional overhead fund	No limit
Oil and gas royalties fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Sponsored research overhead fund	No limit
Wildlife art fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 112.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality)	\$103,001,927
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund	No limit
Faculty of distinction matching fund	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest on endowment fund	No limit
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-

post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages.

Kansas career work study program fund	No limit
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Sponsored research overhead fund	No limit
<i>Provided</i> , That the above agency may transfer moneys from the sponsored research overhead fund of Kansas state university to the sponsored research overhead fund of Kansas state university extension systems and agriculture research programs.	
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Mandatory retirement annuity clearing fund	No limit
Student health fees fund	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Scholarship funds fund	No limit
Perkins student loan fund	No limit
Engineering and education gift fund	No limit
Board of regents — U.S. department of education awards fund	No limit
State agricultural university fund	No limit
Federal extension civil service retirement clearing fund	No limit
Salina — student union fees fund	No limit

Salina — housing system operation fund	No limit
Kansas distinguished scholarship fund	No limit
Kansas comprehensive grant fund	No limit
Temporary deposit fund	No limit
Business procurement card clearing fund	No limit
Suspense fund	No limit
Voluntary tax shelter annuity clearing fund	No limit
Agency payroll deduction clearing fund	No limit
Payroll clearing fund	No limit
Pre-tax parking clearing fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$97,924 from the general fees fund to the Perkins student loan fund.

(d) On July 1, 2004, the Salina — dormitory and food service fees fund of Kansas state university is hereby redesignated as the Salina — housing system operation fund of Kansas state university.

Sec. 113.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality) \$767,531

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Cooperative extension service (including official hospitality) \$18,254,253

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Agricultural experiment stations (including official hospitality) \$28,892,074

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund

No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; technology equipment; professorships; agricultural experiment station, director's office; agronomy — Ashland farm; KSU agricultural research center — Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy — general; agronomy — experimental field crop sales; entomology sales; grain science and industry — Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; animal resource facility; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall

be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2005.

Fertilizer research fund.....	No limit
Sponsored research overhead fund	No limit
Federal extension fund	No limit
Federal experimental station fund	No limit
Federal awards — advance payment fund.....	No limit
Smith-Lever special program grant — federal fund	No limit
Faculty of distinction matching fund.....	No limit
Kansas artificial breeding service unit fees fund	No limit
Agricultural land use-value fund	No limit
University federal fund	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Agricultural experiment stations.....	\$300,000
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Sec. 114.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality).....	\$9,823,702
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund	No limit
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Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Hospital and diagnostic laboratory revenue fund.....	No limit
Faculty of distinction matching fund.....	No limit
Hospital and diagnostic laboratory improvement fund.....	No limit
Restricted fees fund.....	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; storerooms; departmental receipts for all sales refunds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund	No limit
Health professions student loan fund.....	No limit

H.E.W. veterinary revolving student loan fund	No limit
Suspense fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$10,000 from the general fees fund to the health professions student loan fund.

Sec. 115.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality)	\$29,740,258
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Reading recovery program	\$242,889
Nat'l Board Cert/Future Teacher Academy	\$145,766

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund	No limit
<i>Provided</i> , That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.	
General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys.	

Interest on state normal school fund fund	No limit
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; E.S.U. press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Commencement fees fund	No limit
Kansas career work study program fund	No limit

Student health fees fund.....	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Faculty of distinction matching fund.....	No limit
Bureau of educational measurements fund.....	No limit
National direct student loan fund.....	No limit
Economic opportunity act — work study — federal fund.....	No limit
Educational opportunity grants — federal fund.....	No limit
Basic opportunity grant program — federal fund.....	No limit
Research and institutional overhead fund.....	No limit
Kansas comprehensive grant fund.....	No limit
Housing system suspense fund.....	No limit
Housing system operations fund.....	No limit
Housing system repairs, equipment and improvement fund.....	No limit
Kansas distinguished scholarship fund.....	No limit
University federal fund.....	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund.

(d) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$51,641 from the student union account of the restricted fees fund of Emporia state university to the state general fund.

(e) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,487 from the housing systems operations fund of Emporia state university to the state general fund.

Sec. 116.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality).....	\$32,866,166
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....	No limit
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Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund.....	No limit
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Provided, That all moneys received for tuition received from students participating in the contiguous county program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund; *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys.

Restricted fees fund.....	No limit
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Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; *Midwest Quarterly*; chamber music series; contract — post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity — state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university; *Provided, however*, That the state board of regents, with the

approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc. for the express purpose of awarding music scholarships.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Hospital and student health fees fund No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund No limit

Faculty of distinction matching fund No limit

Perkins student loan fund No limit

Sponsored research overhead fund No limit

College work study fund No limit

Nursing student loan fund No limit

Housing system suspense fund No limit

Housing system operations fund No limit

Housing system repairs, equipment and improvement fund No limit

Kansas comprehensive grant fund No limit

Kansas distinguished scholarship program fund No limit

University federal fund No limit

(c) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Sec. 117.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality) \$128,600,189

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Geological survey \$6,047,083

Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund No limit

Faculty of distinction matching fund No limit

General fees fund No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That all moneys received for tuition for students enrolled in courses offered at the regents center on the Edwards campus shall be deposited in the state treasury and credited to this fund: *And provided further*, That the director of accounts and reports shall transfer on a periodic basis amounts generated from such courses as specified by the chancellor of the university of Kansas, or the chancellor's designee, from the general fees fund to the regents center development fund.

Regents center development fund No limit

Provided, That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus: *Provided further*, That the fund may be pledged to debt service for capital improvements at the Edwards campus.

Interest fund No limit

Sponsored research overhead fund No limit

Law enforcement training center fund No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided, however*, That any academic credit granted through this program shall not be included in the university's budgeted enrollment figures: *Provided further*, That expenditures may be made from this fund for the acquisition of tracts of land adjacent to the law enforcement training center.

Law enforcement training center fees fund No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; residence hall maintenance; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; housing and residence halls; endowment research salaries; engineering research salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; furniture stores; business office stores; university printing service; military uniforms; telecommunications service; and such other

internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Health service fund	No limit
<i>Provided</i> , That expenditures from the health service fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Kansas career work study program fund	No limit
Student union fund	No limit
Regents supplemental grant fund	No limit
Federal Perkins loan fund	No limit
<i>Provided</i> , That expenditures from the national direct student loan fund shall be used for the federal Perkins student loan program, federal supplemental educational opportunity program and federal disadvantaged student loan program.	
Ford foundation — forgivable loan fund	No limit
Health professions student loan fund	No limit
Geological survey fund	No limit
Research projects grants fund	No limit
Research projects grants matching fund	No limit
Housing system suspense fund	No limit
Housing system revenue fund	No limit
Scientific research and development project — special revenue fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Educational opportunity act — federal fund	No limit
Loans for disadvantaged students fund	No limit
Prepaid tuition fees clearing fund	No limit
Kansas comprehensive grant fund	No limit
Fire service training fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$285,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2005, for the water plan project or projects specified, the following:

Geological survey	\$40,000
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the geological survey account is hereby reappropriated for fiscal year 2005.

(e) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer one or more amounts specified by the chancellor of the university of Kansas from one or more accounts of the restricted fees fund to the multicultural resource center — construction fund.

(f) On July 1, 2004, and January 1, 2005, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$375,000 from the fire marshal fee fund of the state fire marshal to the fire service training fund of the university of Kansas. Sec. 118.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality)	\$100,171,788
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal

year 2005: *Provided further*, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: *And provided further*, That such malpractice insurance shall be approved by the commissioner of insurance of the state of Kansas: *And provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans..... \$2,416,764

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund..... No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Faculty of distinction matching fund..... No limit

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; computer services; salaries reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; school of allied health e-learning fees; school of nursing e-learning fee; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *And provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development — special revenue fund..... No limit

Sponsored research overhead fund..... No limit

Parking fees fund..... No limit

Services to hospital authority fund..... No limit

Direct medical education reimbursement fund..... No limit

Service clearing fund..... No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; graphic services; instructional services; biomedical engineering; audiovisual services; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Educational nurse faculty loan program fund	No limit
Federal college work study fund	No limit
AMA education and research grant fund	No limit
Federal health professions/primary care student loan fund.....	No limit
Federal nursing student loan fund	No limit
Suspense fund.....	No limit
Federal student educational opportunity grant fund.....	No limit
Federal Pell grant fund	No limit
Federal Perkins student loan fund	No limit
Medical loan repayment fund	No limit
<i>Provided</i> , That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund or on the total expenditures from the medical loan repayment fund.	
Graduate medical education administration reserve fund	No limit
University of Kansas medical center private practice foundation reserve fund	No limit
Robert Wood Johnson award fund.....	No limit
Federal scholarship for disadvantaged students fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal health professions/primary care student loan fund.

(d) During the fiscal year ending June 30, 2005, medical students enrolled at the university of Kansas medical center are hereby self-insured by the state of Kansas while in clinical training at the university of Kansas medical center or at other health care institutions. Such individuals shall be considered employees for purposes of the Kansas tort claims act and shall be provided defense and indemnification for claims arising out of their clinical training at the university of Kansas medical center or at other health care institutions in accordance with the provisions of the Kansas tort claims act. Within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for such medical students. Any such malpractice insurance purchase shall be approved by the commissioner of insurance of the state of Kansas.

(e) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount specified by the chancellor prior to July 1, 2004, from the general fees fund to the student health insurance premiums account of the restricted fees fund.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2005, the following:

Telekid health care link.....	\$250,000
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the telekid health care link account is hereby reappropriated for fiscal year 2005.

Sec. 119.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality)	\$64,535,032
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys: <i>Provided further</i> , That expenditures may be made from the general fees fund for official hospitality.	
Restricted fees fund	No limit
<i>Provided</i> , That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: <i>And provided further</i> , That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: <i>And provided further</i> , That expenditures may be made from this fund for official hospitality.	
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Faculty of distinction matching fund	No limit
Kansas career work study program fund	No limit
Scholarship funds fund	No limit
Sponsored research fund	No limit
Sponsored research overhead fund	No limit
Economic opportunity act — federal fund	No limit
Education opportunity grant — federal fund	No limit
Matching education opportunity grant fund	No limit
Work-study program fund	No limit
Health professions student assistance program — loans fund	No limit
Nine month payroll clearing account fund	No limit
Pell grants fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system renovation principal and interest fund	No limit
Housing system renovation and bond reserve fund	No limit
WSU housing system depreciation and replacement fund	No limit
Perkins loan fund	No limit
Kansas distinguished scholarship fund	No limit
Kansas comprehensive grant fund	No limit
WSU housing systems revenue fund	No limit
1976 dormitory maintenance reserve fund	No limit
University federal fund	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$94,551 from the WSU housing systems revenue fund of Wichita state university to the state general fund.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Aviation research initiative \$2,000,000

Provided, That any unencumbered balance in the aviation research initiative account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Sec. 120.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures (including official hospitality) \$3,132,222

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That, in addition to other expenditures made by the above agency from the operating expenditures (including official hospitality) account during fiscal year 2005, expenditures shall be made from this account for the purpose of examining opportunities available to increase the number of seats at dental schools contracted through the reciprocal agreement or to establish a dental school in Kansas.

State scholarship program \$1,193,199

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816 and amendments thereto and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283 and amendments thereto: *And provided further*, That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program \$12,129,878

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Ethnic minority scholarship program \$315,213

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Kansas work-study program \$528,172

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 *et seq.*, and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC scholarship reimbursement \$186,401

Provided, That any unencumbered balance in the ROTC scholarship reimbursement account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Teachers scholarship program \$326,744

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

National guard educational assistance \$725,028

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Vocational scholarships \$121,275

Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Nursing student scholarship program \$243,592

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Optometry education program	\$113,850
<i>Provided</i> , That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Municipal university operating grant.....	\$10,557,396
Postsecondary aid for vocational education.....	\$19,673,603
Adult basic education	\$1,048,998
Community college operating grant.....	\$86,044,250
Technology equipment at community colleges and Washburn university	\$424,077

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of education.

Faculty salary enhancement	\$3,333,426
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Provided, That the state board of regents is hereby authorized to transfer moneys from the faculty salary enhancement account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.

Operating grant	\$5,000,000
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Provided, That the state board of regents is hereby authorized to transfer moneys from the operating grant account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.

Payment to KPERS	\$1,756,004
Southwest Kansas access project	\$200,000

Provided, That any unencumbered balance in the southwest Kansas access project account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from this account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.

Alternative teacher certification	\$450,000
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Provided, That the state board of regents is hereby authorized to transfer moneys from the alternative teacher certification account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund	No limit
Vocational education scholarship discontinued attendance fund	No limit
Leveraging educational assistance program fund — federal.....	No limit
Regents' scholarship gift fund	No limit

Provided, That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816 and amendments thereto or a tuition grant under K.S.A. 72-6107 through 72-6111 and amendments thereto, or both: *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund	No limit
<i>Provided</i> , That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.	
KAN-ED federal fund	No limit
Earned indirect costs fund — federal	No limit
Faculty of distinction program fund	No limit
Paul Douglas teacher scholarship fund — federal	No limit
GED credentials processing fees fund	No limit
Proprietary school fee fund	No limit
Tuition waiver gifts, grants and reimbursements fund	No limit
Adult basic education — federal fund	No limit
Truck driver training fund	No limit
No child left behind federal fund	No limit
Comprehensive grant program discontinued attendance fund	No limit
State scholarship discontinued attendance fund	No limit
Kansas ethnic minority fellowship program fund	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund	No limit
Voluntary tax sheltered annuity clearing fund	No limit
Substance abuse education fund — federal	No limit
Mandatory retirement annuity clearing fund	No limit
Nursing service scholarship program fund	No limit
Kansas ethnic minority discontinued attendance fund	No limit
Clearing fund	No limit
Conversion of materials and equipment fund	No limit
Teacher scholarship program fund	No limit
Financial aid services fee fund	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> , That the executive director of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications for student financial assistance under programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury and credited to this fund.	
Inservice education workshop fee fund	No limit
Optometry education repayment fund	No limit
Teacher scholarship repayment fund	No limit
Advanced registered nurse practitioner service scholarship program fund	No limit
Nursing service scholarship repayment fund	No limit
ROTC service scholarship program fund	No limit
ROTC service scholarship repayment fund	No limit
Carl D. Perkins vocational and technical education — federal fund	No limit
Carl D. Perkins vocational and technical education — federal fund — state operations	No limit
Other federal grants fund	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching	

expenditure of moneys in the state treasury during fiscal year 2005, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

Kansas national guard educational assistance program repayment fund ..	No limit
Carl D. Perkins technical preparation — federal fund.....	No limit
Grants fund.....	No limit
Workforce development loan fund.....	No limit
FICA recovery fund	No limit

Provided, That any moneys received by any state educational institution from the federal government for repayment of payroll or other taxes improperly paid to the federal government to the credit of the FICA recovery fund: *Provided further*, That all moneys in the FICA recovery fund shall be used by the state board of regents to reimburse the department of education, department of administration and state board of regents for direct costs and time incurred in obtaining repayment of payroll or other taxes improperly paid: *And provided further*, That all such reimbursements shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That after such reimbursements, the state board of regents may transfer amounts from the FICA recovery fund, which in the aggregate do not exceed \$5,000,000, to the appropriate fund or funds of any state educational institution for the purpose of providing additional funding for operating expenditures.

Regents clearing fund.....	No limit
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(c) During the fiscal year ending June 30, 2005, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item in an account of the state general fund for the fiscal year ending June 30, 2005, to another item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2005. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department. As used in this subsection, "account" means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university and the municipal university operating grant account of the state board of regents, the postsecondary aid for vocational education account of the state board of regents and the community college operating grant account of the state board of regents.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Vocational education capital outlay aid	\$2,565,000
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Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational educational capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college in an amount which is equal to 50% of the grant: *Provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the vocational education capital outlay aid account is hereby reappropriated for fiscal year 2005.

Postsecondary aid for vocational education.....	\$6,957,162
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the postsecondary aid for vocational education account is hereby reappropriated for fiscal year 2005.

Technology innovation and internship program.....	\$180,500
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2004, in the technical innovation and internship program account is hereby reappropriated for fiscal year 2005.

(e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 for such state educational institution as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 for the

purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2005: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided, further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2005 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

Sec. 121.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Central administration operations and parole and postrelease supervision
operations \$13,963,028

Provided, That any unencumbered balance in the central administration operations and parole and postrelease supervision operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$21,465 except upon approval of the state finance council.

Community corrections \$15,493,910

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$55,002, except upon approval of the state finance council: *Provided further*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2005 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Day reporting center state match \$247,600

Provided, That any unencumbered balance in the day reporting center state match account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$12,000, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislation delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided further*, That all expenditures from the day reporting center state match account shall be made for the

purpose of providing the required state match for receipt of federal funds for day reporting centers: *And provided further*, That all expenditures from the day reporting center state match account shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting centers: *And provided further*, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders.

Local jail payments \$1,961,000

Provided, That, notwithstanding the provisions of K.S.A. 19-1930 and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930 and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate program, for the department of corrections.

Community correctional conservation camp..... \$2,363,300

Conservation camp for female offenders \$404,671

Provided, That any unencumbered balance in the conservation camp for female offenders account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005:

Provided, however, That expenditures from such reappropriated balance shall not exceed \$72,500 except upon approval of the state finance council.

Treatment and programs \$30,863,364

Provided, That expenditures from the treatment and programs account for malpractice insurance shall not be greater than the amount obtained by multiplying \$5,000 by the approved number of positions equated to full-time for individuals employed as physician specialists, physician assistants and dentists: *Provided further*, That expenditures may be made from this account for payments to Innerchange Freedom Initiative for operation of a values-based pre-release program regardless of when services were rendered.

Topeka correctional facility — facilities operations \$10,235,053

Provided, That any unencumbered balance in the Topeka correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$53,794 except upon approval of the state finance council.

Hutchinson correctional facility — facilities operations..... \$24,983,324

Provided, That any unencumbered balance in the Hutchinson correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,516 except upon approval of the state finance council.

Lansing correctional facility — facilities operations..... \$32,910,090

Provided, That any unencumbered balance in the Lansing correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$2,587 except upon approval of the state finance council.

Ellsworth correctional facility — facilities operations \$10,782,413

Provided, That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$3,926 except upon approval of the state finance council.

Winfield correctional facility — facilities operations \$10,067,178

Provided, That any unencumbered balance in the Winfield correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$4,963 except upon approval of the state finance council.

Norton correctional facility — facilities operations \$12,448,462

Provided, That any unencumbered balance in the Norton correctional facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$64,663 except upon approval of the state finance council.

El Dorado correctional facility — facilities operations..... \$21,163,802

Provided, That any unencumbered balance in the El Dorado correctional facility — facilities

operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Larned correctional mental health facility — facilities operations \$8,302,379

Provided, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$6,449 except upon approval of the state finance council.

Facilities operations..... \$10,262,017

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$1,000,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$1,000,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Supervision fees fund..... No limit

Asset forfeiture — federal fund..... No limit

Residential substance abuse treatment — federal fund..... No limit

Justice assistance — federal fund..... No limit

Department of corrections state asset forfeiture fund..... No limit

Carl Perkins act — federal fund..... No limit

Violent offender incarceration and truth in sentencing incentive grants — federal fund..... No limit

Chapter I — federal fund..... No limit

Correctional industries fund..... No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Alcohol and drug abuse treatment fund..... No limit

State of Kansas — department of corrections inmate benefit fund..... No limit

Department of corrections — alien incarceration grant fund — federal..... No limit

Department of corrections — general fees fund..... No limit

Provided, That expenditures may be made from the department of corrections — general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further*, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be credited to this fund.

Victims of crime act — federal fund..... No limit

Topeka correctional facility — community development block grant — federal fund..... No limit

Topeka correctional facility — bureau of prisons contract — federal fund..... No limit

Topeka correctional facility — general fees fund..... No limit

Topeka correctional facility — inmate canteen fund..... No limit

Topeka correctional facility — inmate benefit fund..... No limit

Topeka correctional facility — institutional library services grant fund — federal	No limit
Topeka correctional facility — alien incarceration grant fund — federal	No limit
Hutchinson correctional facility — general fees fund.....	No limit
Hutchinson correctional facility — inmate canteen fund.....	No limit
Hutchinson correctional facility — inmate benefit fund.....	No limit
Hutchinson correctional facility — drug free demonstration project — federal fund	No limit
Hutchinson correctional facility—institutional library services grant fund — federal.....	No limit
Lansing correctional facility — general fees fund.....	No limit
Lansing correctional facility — inmate canteen fund.....	No limit
Lansing correctional facility — inmate benefit fund.....	No limit
Lansing correctional facility — institutional library services grant fund — federal	No limit
Ellsworth correctional facility — general fees fund.....	No limit
Ellsworth correctional facility — inmate canteen fund.....	No limit
Ellsworth correctional facility — inmate benefit fund.....	No limit
Ellsworth correctional facility — institutional library services grant fund — federal.....	No limit
Winfield correctional facility — general fees fund.....	No limit
Winfield correctional facility — inmate canteen fund.....	No limit
Winfield correctional facility — inmate benefit fund.....	No limit
Winfield correctional facility — institutional library services grant fund — federal.....	No limit
Norton correctional facility — general fees fund.....	No limit
Norton correctional facility — inmate canteen fund.....	No limit
Norton correctional facility — inmate benefit fund.....	No limit
Norton correctional facility — institutional library services grant fund — federal	No limit
El Dorado correctional facility — general fees fund.....	No limit
El Dorado correctional facility — gifts and donations fund.....	No limit
El Dorado correctional facility — inmate canteen fund.....	No limit
El Dorado correctional facility — community transition program federal fund.....	No limit
El Dorado correctional facility — inmate benefit fund.....	No limit
El Dorado correctional facility—institutional library services grant fund — federal.....	No limit
Larned correctional mental health facility — general fees fund.....	No limit
Larned correctional mental health facility — inmate canteen fund.....	No limit
Larned correctional mental health facility — inmate benefit fund.....	No limit
Larned correctional mental health facility — institutional library services grant fund — federal	No limit
Larned correctional mental health facility — justice assistance — federal fund.....	No limit

(c) During the fiscal year ending June 30, 2005, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2005 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(d) Notwithstanding the provisions of K.S.A. 75-3731 and amendments thereto or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim from the local jail payments account of the state general fund during fiscal year 2005 for costs pursuant to subsection (b) of K.S.A. 19-1930 and amendments thereto even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) On July 1, 2004, and on October 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$390,500 from the correctional industries fund to the department of corrections — general fees fund.

Sec. 122.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$27,534,760

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems..... \$1,093,751

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Topeka juvenile correctional facility operations \$12,504,735

Provided, That any unencumbered balance in the Topeka juvenile correctional facility operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,727 except upon approval of the state finance council: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Atchison juvenile correctional facility operations..... \$5,855,242

Provided, That any unencumbered balance in the Atchison juvenile correctional facility operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Beloit juvenile correctional facility operations..... \$4,688,537

Provided, That any unencumbered balance in the Beloit juvenile correctional facility operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Larned juvenile correctional facility operations \$7,870,781

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Kansas juvenile correctional complex \$430,000

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2005, the following:

Prevention program grant \$5,414,487

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That all expenditures by the above agency from the prevention program grant account shall be for prevention program grants and evaluation of prevention programs for fiscal year 2005: *Provided further*, That money awarded as grants from this account shall be distributed during fiscal year 2005 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2003 and fiscal year 2004: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants \$3,585,513

Provided, That any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Title XIX fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant — federal fund	No limit
Juvenile justice delinquency prevention — federal fund.....	No limit
Juvenile detention facilities fund.....	\$3,602,740
Juvenile justice fee fund — central office	No limit
Juvenile justice federal fund — Topeka juvenile correctional facility	No limit
Juvenile justice federal fund — Atchison juvenile correctional facility.....	No limit
Juvenile justice federal fund — Beloit juvenile correctional facility.....	No limit
Juvenile justice federal fund — Larned juvenile correctional facility	No limit
Juvenile justice federal fund — Kansas juvenile correctional complex.....	No limit
Juvenile justice federal fund.....	No limit
Kansas juvenile delinquency prevention trust fund	No limit
Going home — federal fund	No limit
Byrne grant — federal fund	No limit
Construction of juvenile correctional facilities fund — VOL/TIS.....	No limit
Topeka juvenile correctional facility fee fund	No limit
Topeka juvenile correctional facility improvement fund.....	No limit
Topeka juvenile correctional facility — elementary and secondary education fund — federal	No limit
Topeka juvenile correctional facility — canteen fund.....	No limit
Topeka juvenile correctional facility — patient benefit fund	No limit
Atchison juvenile correctional facility fee fund.....	No limit
Atchison juvenile correctional facility — elementary and secondary education fund — federal	No limit
Atchison juvenile correctional facility — canteen fund	No limit
Atchison juvenile correctional facility — patient benefit fund.....	No limit
Beloit juvenile correctional facility fee fund.....	No limit
Beloit juvenile correctional facility — elementary and secondary education fund — federal.....	No limit
Beloit juvenile correctional facility — canteen fund	No limit
Beloit juvenile correctional facility — patient benefit fund.....	No limit
Larned juvenile correctional facility fee fund	No limit
Larned juvenile correctional facility — canteen fund.....	No limit
Larned juvenile correctional facility — patient benefit fund	No limit

Kansas juvenile correctional complex fee fund.....	No limit
Kansas juvenile correctional complex — elementary and secondary education fund — federal	No limit
Kansas juvenile correctional complex — canteen fund	No limit
Kansas juvenile correctional complex — patient benefit fund.....	No limit

(d) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$90,000 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the juvenile justice federal fund of the juvenile justice authority.

(e) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$47,135 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the juvenile justice federal fund — Beloit juvenile correctional facility of the juvenile justice authority.

(f) During the fiscal year ending June 30, 2005, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2005 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(g) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2005, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2005 for purchase of services.

(h) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2003 Supp. 79-4803 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$300,000 from the juvenile detention facilities fund to the state general fund: *Provided*, That the amount transferred from the juvenile detention facilities fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the juvenile justice authority by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 123.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$3,968,580
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Civil air patrol — operating expenditures	\$26,278
2002 ice storm disaster relief.....	\$53,470

Provided, That any unencumbered balance in the 2002 ice storm disaster relief account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund — military division	No limit
Training and support of title III — federal fund.....	No limit
Emergency management — federal fund matching — equipment fund.....	No limit

Emergency management — federal fund matching — administration fund.....	No limit
Emergency management — RADEF instrument — maintenance — federal fund.....	No limit
State disaster coordination — federal fund.....	No limit
Emergency management — nuclear civil protection — federal fund.....	No limit
Payment of death, disability, and medical benefit claims fund.....	No limit
Expenses under national guard mutual assistance compact fund.....	No limit
Nuclear safety emergency management fee fund.....	No limit
Military fees fund — federal.....	No limit
<i>Provided</i> , That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury and credited to the military fees fund.	
Homeland security federal fund.....	No limit
State emergency fund allocation — flood relief fund.....	No limit
Emergency management — fee fund.....	No limit
Armories and units general fees fund.....	No limit
Emergency management — disaster fund — federal fund.....	No limit
Civil air patrol — grants and contributions — federal fund.....	No limit
Emergency management performance grant (EMPG) — federal fund...	No limit
EMPG terrorism consequence management preparedness grant (TCMPA) — federal fund.....	No limit
NG — federal forfeiture fund.....	No limit
Inaugural expense fund.....	No limit
Emergency management indirect cost fee fund.....	No limit

Sec. 124.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund..... \$3,147,865

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Gifts, grants and donations fund..... No limit

Hazardous material program fund..... \$408,331

Hazardous materials emergency fund..... \$250,000

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2005 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however*, That expenditures from the hazardous materials emergency fund during fiscal year 2005 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject

to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) On July 1, 2004, and January 1, 2005, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$171,891 from the fire marshal fee fund to the hazardous materials program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2005, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2005, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2005 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2005 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2005 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) On June 1, 2005, or as soon after each such date as moneys are available, notwithstanding the provisions of K.S.A. 2003 Supp. 75-1514 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$500,000 from the fire marshal fee fund of the state fire marshal to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the fire marshal fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the fire marshal fee fund of the state fire marshal to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 125.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Parole from adult correctional institutions..... \$433,043

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Sec. 126.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures..... \$30,688,004

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004 is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$3,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund..... No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury and credited to the general fees fund, except as otherwise provided by law: *Provided further*, That the Kansas highway patrol shall deposit the proceeds from the sale

of personal sidearms to retiring troopers and other retiring sworn officers of the Kansas highway patrol, which sales upon retirement are hereby authorized, in the state treasury to the credit of this fund: *Provided, however,* That each such sale of a retiring sworn officer's personal sidearm upon retirement shall be for an amount of not less than the replacement cost of the sidearm: *And provided further,* That the Kansas highway patrol is hereby authorized to sell and a trooper or other sworn officer of the Kansas highway patrol who resigns from the Kansas highway patrol to accept employment with a local, state or federal law enforcement agency is hereby authorized to purchase such trooper or other sworn officer's personal sidearm with a trigger lock upon resignation in the same manner as prescribed in this subsection for retiring troopers and sworn officers of the Kansas highway patrol for the amount equal to the total of the replacement cost of the sidearm plus the cost of the trigger lock: *And provided further,* That no sale of a personal sidearm shall be made to any trooper or sworn officer of the Kansas highway patrol upon resignation unless the superintendent of the Kansas highway patrol determines that the employment record and performance evaluations of each such trooper or sworn officer of the Kansas highway patrol is satisfactory: *And provided further,* That the Kansas highway patrol shall deposit the proceeds from the sale of personal sidearms and trigger locks to such resigning troopers and other sworn officers in the state treasury to the credit of this fund.

Homeland security — federal fund No limit
 For patrol of Kansas turnpike fund No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Highway patrol motor vehicle fund No limit
 Highway patrol — federal fund No limit
 Kansas highway patrol state forfeiture fund No limit
 Gifts and donations fund No limit
 Federal forfeiture fund No limit
 Motor carrier safety assistance program state fund No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Motor carrier safety assistance program — federal fund No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program — federal fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

COPS grant — federal fund No limit
 Highway patrol training center clearing fund No limit

Provided, That expenditures may be made from the highway patrol training center clearing fund for use of the highway patrol training center by other state or local government agencies and not for profit organizations: *Provided further,* That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state or local government agencies: *And provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further,* That all fees received for use of the highway patrol training center by other state or local government agencies shall be deposited in the state treasury and credited to this fund.

Highway safety fund No limit
 Capitol area security fund No limit

Provided, That the Kansas highway patrol and any state agency which is responsible for the operation of buildings in the capitol area are hereby authorized to negotiate contracts for building security services: *Provided further,* That any such contract shall provide for reimbursement of the Kansas highway patrol for services rendered pursuant to such contract and such reimbursement shall be credited to the capitol area security fund.

Vehicle identification number fee fund No limit
 Interagency motor vehicle fuel sales fund No limit

Provided, That expenditures may be made from the interagency motor vehicle fuel sales

fund to provide and sell motor vehicle fuel to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to local governments and other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel sold to local governments and other state agencies: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be credited to this fund.

Kansas highway patrol operations fund \$13,702,511

Provided, That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105 and amendments thereto: *Provided further*, That expenditures from this fund for official hospitality shall not exceed \$3,000: *And provided further*, That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Motor carrier inspection fund \$529,641

Highway patrol training center fund No limit

Executive aircraft fund No limit

Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to this fund.

1122 program clearing fund No limit

Special services fund \$266,516

(c) On or before the 10th of each month during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2004, the director of accounts and reports shall transfer \$375,049 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On January 1, 2005, the director of accounts and reports shall transfer \$375,049 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(f) On July 1, 2004, October 1, 2004, January 1, 2005, and April 1, 2005, the director of accounts and reports shall transfer \$3,268,429.50 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2005 for support and maintenance of the Kansas highway patrol.

(g) On July 1, 2004, the director of accounts and reports shall transfer \$150,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(h) On July 1, 2004, the director of accounts and reports shall transfer \$260,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(I) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$266,516 from the state highway fund of the department of transportation to the special services fund of the Kansas highway patrol.

(j) On March 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-2136 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the Kansas highway patrol motor vehicle fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas state highway patrol vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing service and other governmental services which are performed on behalf of the Kansas highway patrol by other agencies which receive appropriations from the state general fund to provide such services.

(k) On July 1, 2004, October 1, 2004, January 1, 2005, and April 1, 2005, the director of accounts and reports shall transfer \$7,672,001 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2005 for the support and maintenance of the Kansas highway patrol.

Sec. 127.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures — salaries and wages.....	\$10,468,373
Other operating expenditures	\$1,339,780

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated to the operating expenditures — salaries and wages account for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$750.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund	No limit
Kansas bureau of investigation federal forfeiture fund.....	No limit
Kansas bureau of investigation federal grants fund	No limit

Provided, That the above agency is authorized to make expenditures from the Kansas bureau of investigation federal grants fund of any moneys credited to this fund from any individual federal grant if the grant is less than or equal to \$500,000 in the aggregate and the grant does not require the matching expenditure of any moneys in the state treasury during the current or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year not appropriated by this or other appropriation act of the 2004 regular session of the legislature.

High intensity drug trafficking area — federal fund	No limit
Private detective fee fund	\$52,624
Kansas bureau of investigation motor vehicle fund	\$350,000

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury and credited to this fund.

Forensic laboratory and materials fee fund.....	No limit
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Provided, That expenditures may be made from the forensic laboratory and materials fee

fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be for the purposes authorized by subsection (c) of K.S.A. 28-176 and amendments thereto: *Provided further*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: *And provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be deposited in the state treasury and credited to this fund.

KBI general fees fund No limit
Provided, That expenditures may be made from the KBI general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury and credited to this fund: *And provided further*, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury and credited to this fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury to the credit of this fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund No limit
Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury and credited to the record check fee fund: *Provided further*, That expenditures from the record check fee fund may be made only for the expenses of conducting criminal history record checks.

(c) On June 1, 2005, the director of accounts and reports shall transfer \$350,000 from the state general fund to the Kansas bureau of investigation motor vehicle fund for the purposes of acquiring and selling motor vehicles for the Kansas bureau of investigation.

Sec. 128.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund.....	No limit
Rural access to emergency devices grant — federal fund	No limit
Emergency medical services operating fund	\$1,034,301

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to the emergency medical services operating fund: *And provided further*, That expenditures from the emergency medical services operating fund for the operating costs of the emergency medical services board shall not exceed \$918,051: *And provided further*, That expenditures from the emergency medical services operating fund shall not exceed \$116,250 to provide additional funding to the regional councils: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$1,000.

(b) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2003 Supp. 75-1514 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$425,000 from the emergency medical services operating fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the emergency medical services operating fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the emergency medical services operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the emergency medical services board by other state agencies which receive appropriations from the state general fund to provide such services.

(c) On December 1, 2004, and June 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2003 Supp. 75-1514 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$250,000 from the emergency medical services operating fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the emergency medical services operating fund to the state general fund as prescribed by law: *Provided further*: That the amount transferred from the emergency medical services operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the emergency medical services board by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 129.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$543,098
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Substance abuse treatment programs \$5,291,441
Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Statistical analysis — federal fund	No limit

Sec. 130.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$9,563,094
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures may be made from this account for expenses incurred in holding the annual meeting: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000: *And provided further*, That the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting: *And provided further*, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund	No limit
Meat and poultry inspection fee fund	No limit
Wheat quality survey fund	No limit
Entomology fee fund	No limit
Laboratory equipment fund	No limit
Water structures — state highway fund	\$93,856
Soil amendment fee fund	No limit
Agricultural liming materials fee fund	No limit
Weights and measures fee fund	No limit
Water appropriation certification fund	\$559,516
Water resources cost fund	No limit

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 2003 Supp. 82a-761 through 82a-773 and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury to the credit of the water resources cost fund.

Agriculture seed fee fund	No limit
Chemigation fee fund	No limit
Agriculture statistics fund	No limit
Petroleum inspection fee fund	No limit
Water transfer hearing fund	No limit
Grain commodity commission services fund	No limit
Kansas agricultural remediation board fund	No limit
Kansas agricultural remediation fund	No limit
Warehouse fee fund	No limit
U.S. geological survey cooperative gauge agreement grants fund	No limit

Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative

gauge agreement with the United States geological survey: *Provided further*, That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury and credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further*, That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Computer services fund	No limit
Agricultural chemical fee fund	No limit
Feeding stuffs fee fund	No limit
Fertilizer fee fund	No limit
Plant pest emergency response fund	No limit
Pesticide use fee fund	No limit
Geographic information system fee fund	No limit
Egg fee fund	No limit
Fertilizer/pesticide compliance admin fund	No limit
Water structures fund	\$210,257
Meat and poultry inspection fund — federal	No limit
EPA pesticide performance partnership grant fund	No limit
FEMA dam safety fund	No limit
FEMA stream mapping fund	No limit
Pest detection and survey — federal fund	No limit
USDA NASS postage fund	No limit
FDA tissue residue fund — federal	No limit
Conversion of materials and equipment fund	No limit
Speciality crop block grant fund	No limit
Publications fee fund	No limit

Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-1005 and amendments thereto to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non- federal source for the printing, publication and distribution of such materials: *And provided further*, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state treasury and credited to this fund.

Other federal grants fund

No limit

Provided, That, the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2005, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided further*, That no grant for the farmers' assistance, counseling and training program shall be deposited to the credit of this fund.

Civil litigation fee fund

No limit

Provided, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales

cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury to the credit of this fund by the attorney general.

Information technology fund No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2005, for the water plan project or projects specified, the following:

Floodplain management \$66,852
 Interstate water issues \$248,859
 Subbasin water resources management \$490,682
 Water appropriation subprogram \$71,302

Provided, That, notwithstanding the provisions of K.S.A. 82a-951 and amendments thereto, all moneys in the water appropriation subprogram account of the state water plan fund shall be expended for salaries and wages, including associated employer contributions.

Water use \$60,018

(d) During the fiscal year ending June 30, 2005, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2005 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2005 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On July 1, 2004, the director of accounts and reports shall transfer \$88,259 from the state highway fund of the department of transportation to the water structures — state highway fund of the Kansas department of agriculture.

(f) There is appropriated for the Kansas department of agriculture from the state water plan fund for the fiscal year ending June 30, 2005, from amounts first released from amounts encumbered by the Kansas department of agriculture, the department of health and environment, the state conservation commission, the Kansas water office, or any other state agency from the state water plan fund, or any account thereof, the amount of \$110,447 for the water appropriation subprogram of the state water plan fund of the Kansas department of agriculture.

Sec. 131.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$572,345

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Animal disease control fund No limit

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Animal dealers fee fund No limit

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300.

Veterinary inspection fee fund No limit

Livestock market brand inspection fee fund No limit

Livestock brand fee fund No limit

Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock brand emergency revolving fund No limit

County option brand fee fund No limit

Livestock and pseudorabies indemnity fund.....	No limit
Legal services fund	No limit

Provided, That all moneys received by the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services, which agreements are hereby authorized and directed to be entered into, shall be credited to the legal services fund: *Provided further*, That all expenditures from the legal services fund shall be for contractual legal services to be provided to the animal health department and such other state agencies pursuant to such interagency agreements.

Sec. 132.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund.....	No limit
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Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair federal transfer fund	No limit
State fair special cash fund	No limit
State fair debt service special revenue fund	No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

State fair debt service.....	\$655,133
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Sec. 133.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures	\$592,127
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Multipurpose small lakes program	\$440,491
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Provided, That expenditures shall be made from the multipurpose small lakes program account for the construction of horsethief reservoir.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Land reclamation fee fund	No limit
Riparian & wetland areas project — federal fund.....	No limit
Watershed protect approach/WTR RSRCE MGT fund	No limit
Conversion of materials and equipment fund	No limit
Buffer participation incentive fund	No limit
Riparian participation incentive fund	No limit
Environmental improvement incentives fund	No limit
Kansas natural resource legacy alliance fund.....	No limit

Provided, That all moneys received by the state conservation commission pursuant to agreements entered into with the other state agencies having powers, duties and functions relating to the goals and priorities which may be developed and included in the vision to be developed by the Kansas natural resource legacy alliance pursuant to K.S.A. 2003 Supp. 2-1922 and amendments thereto for utilizing the state's natural resources, which agreements are hereby authorized to be entered into by the state conservation commission and such other state agencies, shall be deposited in the state treasury to the credit of the Kansas natural resource legacy alliance fund: *Provided further*, That all moneys received by the state conservation commission for gifts, grants or donations for the Kansas natural resource legacy alliance, which are hereby authorized to be received on behalf of the Kansas natural resource legacy alliance, shall be deposited in the state treasury to the credit of this fund.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2005, for the following water plan project or projects specified, the following:

Land treatment cost share \$3,495,218

Provided, That any unencumbered balance in the land treatment cost share account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the land treatment cost share account shall be for cost-sharing grants for construction of enduring water conservation structures on privately and publicly owned land in conservation districts which are needed for development and improvement of the quality and quantity of Kansas water resources: *And provided further*, That an amount of not to exceed \$2,720,000 of the initial allocation among conservation districts for such grants for fiscal year 2005 shall be on the basis of allocating 60% of the amount equally among all conservation districts and allocating 40% of the amount to be initially allocated proportionally among all conservation districts on the basis of an index composed of the measurement of nonfederal rural acreage, erosion potential and rainfall in all conservation districts, as determined by the state conservation commission: *And provided further*, That the balance of the initial allocation for such grants for fiscal year 2005 shall be allocated to conservation districts on a priority basis, as determined by the state conservation commission and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise shall not exceed the amount equal to 6% of the approved budget amount for fiscal year 2005 for the land treatment cost share programs account.

Nonpoint source pollution assistance \$2,799,520

Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Conservation district aid \$1,043,000

Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

Watershed dam construction \$352,499

Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission: *Provided, however*, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Kansas water quality buffer initiatives \$307,157

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices under the governor's water quality initiative: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2005 in accordance with contracts, which are hereby authorized to be entered into by the executive director of the state conservation commission on behalf of the commission, for such grants or incentives: *Provided, however*, That expenditures from this account for contractual educational and technical assistance for fiscal year 2005 shall not exceed \$40,000.

Riparian and wetland program \$249,782

Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(d) During the fiscal year ending June 30, 2005, the executive director of the state conservation commission, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2005 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2005 from the state water plan fund for the state conservation commission: *Provided*, That the executive director of the state conservation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On July 1, 2004, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$150,000 from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the state conservation commission.

(f) During the fiscal year ending June 30, 2005, the state conservation commission is hereby authorized and directed to receive and expend moneys from the federal government, or any other public or private source, for the purpose of implementing a pilot program for irrigation transition grants, subject to the provisions prescribed in K.S.A. 2-1915 and 2-1919 and amendments thereto, and for the purposes specified in the federal legislation concerning such irrigation transition grants with the condition that there shall be no cost-share requirement for the state or any local entity: *Provided*, That, in addition to the other purposes for which expenditures may be made by the state conservation commission from moneys appropriated from the state general fund or any special revenue fund of the state conservation commission by this or other appropriation act of the 2004 regular session of the legislature, the state conservation commission shall make expenditures from moneys appropriated from the state general fund or any special revenue fund of the state conservation commission by this or other appropriation act of the 2004 regular session of the legislature to develop and adopt rules and regulations not later than March 1, 2005, to implement such pilot program for irrigation transition grants: *Provided further*, That all water rights returned to the state under the provisions of K.S.A. 2-1915 and amendments thereto and such pilot program for irrigation transition grants shall be permanently dismissed by the chief engineer of the division of water resources of the Kansas department of agriculture.

Sec. 134.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Water resources operating expenditures..... \$1,270,794
Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$27,060 except upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$250.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Conversion of materials and equipment fund No limit
Local water project match fund..... No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury to the credit of the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.

Water supply storage assurance fund No limit

Provided, That any moneys deposited to the credit of the water supply storage assurance fund which are received from a water assurance district shall be credited to a separate subaccount: *Provided further*, That moneys in such subaccounts may be transferred to the water marketing fund for (1) payment to the federal government of annual capital costs of water supply storage in federal reservoirs under the water assurance program act, (2) payment and reimbursement to the water marketing fund for water supply storage space previously paid for with revenue from the water marketing fund, if such storage space has been transferred to the water assurance program, (3) payment to the federal government of annual operation, maintenance and repair costs associated with the water supply storage space dedicated for the use of water assurance districts, and (4) payment and reimbursement to the water marketing fund and the state general fund for costs incurred by the state for the administration and enforcement of applicable state laws governing the operations and management of the water assurance program as provided in contracts with water assurance

districts: *And provided further*, That no additional water supply storage space shall be purchased in Milford, Perry or Tuttle Creek reservoirs during fiscal year 2005.

State conservation storage water supply fund	\$0
Water marketing fund	No limit
Federal grants and receipts fund	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury and credited to this fund.

Water conservation projects fund	\$0
Water plan projects fund	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2005, for the state water plan project or projects specified, the following:

Assessment and evaluation	\$108,511
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Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

GIS data base development	\$247,405
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Provided, That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

MOU — storage operations and maintenance	\$450,151
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Provided, That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

PMIB loan payment for storage	\$240,036
Stream gauging program	\$378,878
Technical assistance to water users	\$180,131
Water planning process	\$313,205
Water resource education	\$39,690
Weather modification program	\$120,000
Kansas water authority	\$37,384

Any unencumbered balance in the federal cost-share programs account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(d) During the fiscal year ending June 30, 2005, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2005 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2005 from the state water plan fund for the Kansas water office: *Provided, however*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office from the state water plan fund to the water plan projects fund of the Kansas water office, except that such transfers shall only be made upon the approval of the director of the budget. The director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research department.

(f) During the fiscal year ending June 30, 2005, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys

to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. No such loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of the legislative research department. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(g) During the fiscal year ending June 30, 2005, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification by the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(h) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2005, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act and amendments thereto and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs and for administration and enforcement costs of the state associated with the state water plan storage act, and amendments thereto.

(I) During the fiscal year ending June 30, 2005, no expenditures shall be made by the Kansas water office from any moneys appropriated by this or other appropriation act of the 2004 regular session from the state general fund or any special revenue fund for fiscal year 2005 for the release of any water in Cedar Bluff reservoir under the control of the state of Kansas for any environmental, domestic, municipal, industrial or irrigation purposes, except that expenditures may be made by the Kansas water office for the release of such waters from the joint use pool (1) for the purpose of the operations of facilities of the department of wildlife and parks below the dam of the Cedar Bluff reservoir, and (2) to operate Cedar Bluff reservoir in accordance with the Cedar Bluff reservoir operation agreement.

(j) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2005, the following:

Water resource education \$10,000

Sec. 135.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Operating expenditures \$2,732,319

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund \$16,477,049

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2005 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2005: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Parks fee fund \$6,726,465

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2005 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2005: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund \$736,406

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2005 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2005: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to this fund.

Wildlife and parks nonrestricted fund No limit

Provided, That all moneys received under K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, other than moneys restricted by K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, shall be deposited in the state treasury and credited to the wildlife and parks nonrestricted fund: *Provided further*, That expenditures from this fund may be made for federal aid eligible expenditures at the discretion of the secretary of wildlife and parks.

Prairie spirit rails-to-trails fee fund	No limit
Nongame wildlife improvement fund	No limit
Wildlife conservation fund	No limit
Federally licensed wildlife areas fund	No limit
State agricultural production fund	No limit
Land and water conservation fund — state	No limit
Land and water conservation fund — local	No limit
Development and promotions fund	No limit
Department of wildlife and parks private gifts and donations fund	No limit
Fish and wildlife restitution fund	No limit
Parks restitution fund	No limit
Nonfederal grants fund	No limit
Other federal grants fund	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2005 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: <i>Provided further</i> , That, subject to the provisions of the other provisos prescribing guidelines for authority to make expenditures from the other federal grants fund, expenditures may be made from the other federal grants fund for capital improvements.	
Suspense fund	No limit
Employee maintenance deduction clearing fund	No limit
Cabin revenue fund	No limit
Wildlife conservation fund — federal	No limit
Boating fund — federal	No limit
Wildlife fund — federal	No limit

(c) In addition to the other purposes for which expenditures may be made by the department of wildlife and parks from the moneys appropriated in the parks fee fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made from the parks fee fund for fiscal year 2005 for operating expenditures and capital improvement projects for the purposes of maintaining and repairing the Prairie Spirit rail trail in Allen, Anderson and Franklin counties, including, but not limited to, the expenses of operating of park equipment by employees of the department of wildlife and parks that are assigned to the state park system.

Sec. 136.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund	No limit
<i>Provided</i> , That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.	
Special city and county highway fund	No limit
County equalization and adjustment fund	\$2,500,000
Highway special permits fund	No limit
Highway bond debt service fund	No limit
Rail service improvement fund	No limit
Transportation revolving fund	No limit
Rail service assistance program loan guarantee fund	No limit
Railroad rehabilitation loan guarantee fund	No limit
<i>Provided</i> , That expenditures from the railroad rehabilitation loan guarantee fund shall not	

exceed the amount which the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2004, in satisfaction of liabilities arising from the unconditional guarantee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420 and amendments thereto and guaranteed pursuant to K.S.A. 75-5031 and amendments thereto.

Interagency motor vehicle fuel sales fund	No limit
<i>Provided</i> , That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: <i>Provided further</i> , That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: <i>And provided further</i> , That all fees received for such sales of motor vehicle fuel shall be credited to this fund.	
Coordinated public transportation assistance fund	No limit
Public use general aviation airport development fund	No limit
Highway bond proceeds fund	No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2005, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2005 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations	\$238,895,934
<i>Provided</i> , That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$1,000: <i>Provided, however</i> , That expenditures may be made from this account for state aircraft insurance: <i>Provided further</i> , That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e and amendments thereto.	
Conference fees	No limit
<i>Provided</i> , That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: <i>Provided further</i> , That such fees shall be deposited in the state treasury and credited to the conference fees account of the state highway fund: <i>And provided further</i> , That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.	
Substantial maintenance	No limit
Claims	No limit
Payments for city connecting links	\$3,360,000
Federal local aid programs	No limit
Pre-1992 bond services fees	No limit
Construction, remodeling and special maintenance projects for buildings	\$4,635,671

Provided, That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2004, in capital improvement project accounts of projects approved for prior fiscal years: *Provided further*, That expenditures from this account of amounts in such unexpended balances shall be in addition to any expenditure limitation imposed on this account for fiscal year 2005.

Other capital improvements

No limit

Provided, That the secretary of transportation is authorized to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) On April 1, 2005, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual

vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611 and amendments thereto.

(d) During the fiscal year ending June 30, 2005, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(e) Any transfer of money or payment for services during the fiscal year ending June 30, 2005, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for the fiscal year ending June 30, 2005.

(f) For the fiscal year ending June 30, 2005, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717 and amendments thereto additional documents that present the revenues, transfers, and expenditures that are considered to be in support of the comprehensive transportation program authorized by K.S.A. 68-2314a *et seq.*, and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(g) *Kansas savings incentive program.* (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 2005, by the department of transportation for the following purposes: (A) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2003 Supp. 75-37,105 and amendments thereto, (B) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2005 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (C) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2005 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2005: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2005 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from the agency operations account of the state highway fund for fiscal year 2004 for agency operations, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2005 under this subsection shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during fiscal year 2005 pursuant to subsection (g)(1)(A) of K.S.A. 2003 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection (g)(1) shall apply only to: (A) That portion of the moneys in the agency operations account of the state highway fund from which expenditures may be made for agency operations, and (B) shall not include that portion of moneys which may be expended for other operating expenses in the regular maintenance subprogram.

(2) Any unencumbered balance in excess of \$100 as of June 30, 2004, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (h)(2) of section 84 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for the purposes authorized in subsection (g)(1) of this section. All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for the fiscal year ending June 30, 2005.

(3) No salary bonus payment paid pursuant to this subsection (g) during fiscal year 2005 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be

in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

Sec. 137. *Position limitations.* (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2005, made in this or other appropriation act of the 2004 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General.....	94.5
Secretary of State.....	54.0
State Treasurer.....	55.5
Insurance Department.....	146.7
<i>Provided</i> , That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2005 for the department of insurance.	
Department of Commerce.....	108.5
Health Care Stabilization Fund Board of Governors.....	16.0
Judicial Council.....	4.0
Kansas Human Rights Commission.....	36.0
State Corporation Commission.....	212.0
Citizens' Utility Ratepayer Board.....	5.0
Department of Administration.....	808.0
State Board of Tax Appeals.....	26.0
Department of Revenue.....	1,196.0
Kansas Lottery.....	87.0
Kansas Racing and Gaming Commission — state racing operations.....	43.0
Kansas Racing and Gaming Commission — state gaming agency.....	24.0
Department of Human Resources.....	940.4
Kansas Commission on Veterans Affairs.....	557.8
Department of Health and Environment — Division of Health.....	409.0
Department of Health and Environment — Division of Environment.....	485.0
Department on Aging.....	213.0
Department of Social and Rehabilitation Services.....	3,981.5
Kansas Neurological Institute.....	588.2
Lamed State Hospital.....	798.2
Osawatomie State Hospital.....	398.6
Parsons State Hospital and Training Center.....	467.2
Rainbow Mental Health Facility.....	115.2
Kansas, Inc.....	4.0
Kansas Guardianship Program.....	12.0
State Library.....	27.0
Kansas Arts Commission.....	8.0
Kansas State School for the Blind.....	93.5
Kansas State School for the Deaf.....	173.5
State Historical Society.....	136.5
State Board of Regents.....	55.0
Department of Corrections.....	3,126.0
Juvenile Justice Authority.....	636.0
Adjutant General.....	215.0
State Fire Marshal.....	49.0
Kansas Parole Board.....	3.0
Kansas Highway Patrol.....	823.8
Attorney General — Kansas Bureau of Investigation.....	200.0
Emergency Medical Services Board.....	13.0
Kansas Sentencing Commission.....	7.0
Kansas Department of Agriculture.....	296.5

Kansas Animal Health Department	31.0
State Fair Board	23.0
State Conservation Commission.....	14.0
Kansas Water Office	22.5
Department of Wildlife and Parks	406.5
Department of Transportation	3,247.5

(b) During the fiscal year ending June 30, 2005, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(c) During the fiscal year ending June 30, 2005, any full-time and regular part-time positions of the Kansas highway patrol that are for capitol area police officers and capitol area security guards, that are assigned to security for state-owned and controlled properties located in Shawnee county under contracts with other state agencies shall be in addition to any limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the Kansas highway patrol for fiscal year 2005, made in this or other appropriation act of the 2004 regular session of the legislature: *Provided*, That the Kansas highway patrol shall prepare and submit a report on all such positions assigned to provide security under such contracts to the legislative budget committee prior to the 2005 regular session of the legislature.

(d) During the fiscal year ending June 30, 2005, the secretary of social and rehabilitation services may authorize the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services that are paid from appropriations for department of social and rehabilitation services for fiscal year 2005 made in this or other appropriation act of the 2004 regular session of the legislature, to temporarily exceed the limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, established for fiscal year 2005 for the department of social and rehabilitation services so long as the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services does not exceed such limitation as of June 30, 2004. The secretary of social and rehabilitation services shall certify each such authorization to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(e) During the fiscal year ending June 30, 2005, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general — Kansas bureau of investigation for fiscal year 2005 made in this or other appropriation act of the 2004 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2005 for the attorney general — Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

Sec. 138. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made from any account of the state general fund reappropriated by this act for the fiscal year ending June 30, 2005, for any state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2003 Supp. 75-37,105 and

amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2005 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided, however*, That the total of all such expenditures from such account of the state general fund for fiscal year 2005 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2004, in such account of the state general fund that is reappropriated for fiscal year 2005 and that is in excess of the amount authorized to be expended for fiscal year 2005 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2005 that are paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2003 Supp. 75-37,105 and amendments thereto during fiscal year 2005 that are paid under subsection (b) or this subsection shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for the fiscal year 2005 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2005.

(b) In addition to other expenditures authorized by law, expenditures may be made from any special revenue fund appropriated by this act for the fiscal year ending June 30, 2005, for a state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2003 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2005 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2005 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2005: *Provided, however*, That the total amount of such expenditures from such fund for fiscal year 2005 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2004 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2005 that are paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further*, That the total amount of any such salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2003 Supp. 75-37,105 and amendments thereto during fiscal year 2005 that are paid under subsection (a) or this subsection shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2004, in any account of the state general fund of any state agency named in this act, which was reappropriated by subsection (c)(1) of section 86 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2005, and may be expended for the purposes authorized in subsections (a) and (b).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2004, in any account of any special revenue fund of any state agency named in this act, which was appropriated by subsection (c)(2) of section 86 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June

30, 2005, and may be expended for the purposes authorized or specified in subsections (a) and (b). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2005.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2005 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(e) The provisions of this section shall not apply to any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas or to the department of transportation.

Sec. 139. (a) In addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2005 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,895.42 per biweekly pay period for each biweekly pay period commencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2005 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,101.81 per biweekly pay period for each biweekly pay period commencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2005, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for fiscal year 2005 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,026.16 per biweekly pay period for each biweekly pay period commencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2005 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,480.00 per biweekly pay period for each biweekly pay period com-

mencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2005, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2005 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,026.16 per biweekly pay period for each biweekly pay period commencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(f) In addition to the other purposes for which expenditures may be made by the insurance department service regulation fund for the fiscal year ending June 30, 2005, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2005 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,026.16 per biweekly pay period for each biweekly pay period commencing on or after June 6, 2004, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2005, expenditures shall be made by each state agency from the appropriations made for fiscal year 2005:

(A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of a board for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2005, and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$81.11 per calendar day for each member of a board for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 6, 2005, is payable and which are chargeable to fiscal year 2005.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (I) which has appropriations made for the fiscal year ending June 30, 2005, by this act or any other appropriation act of the 2004 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other

subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 6, 2004, and ending June 30, 2005, expenditures shall be made by the Kansas turnpike authority for such period:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$81.11 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3212 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 6, 2004, and prior to July 1, 2005, is payable by the Kansas turnpike authority.

(I) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005:

(1) (A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 6, 2004, and before January 2, 2005; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$81.11 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after January 2, 2005, which is chargeable to fiscal year 2005; and

(2) (A) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2005; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$81.11 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-

3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (I) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 6, 2004, is payable and which are chargeable to fiscal year 2005.

(j) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide (A) an aggregate amount of \$479.60 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 6, 2004, and ending before January 2, 2005, and (B) an aggregate amount of \$493.99 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after January 2, 2005, which is chargeable to fiscal year 2005;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$244.79 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 6, 2004, and ending before January 2, 2005, and (B) an aggregate amount of \$252.13 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after January 2, 2005, which is chargeable to fiscal year 2005;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide (A) an aggregate amount of \$385.69 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 6, 2004, and ending before January 2, 2005, and (B) an aggregate amount of \$397.26 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after January 2, 2005, which is chargeable to fiscal year 2005;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 6, 2004, and ending before January 2, 2005, and (B) an aggregate amount of \$445.66 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after January 2, 2005, which is chargeable to fiscal year 2005; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 6, 2004, and ending before January 2, 2005, and (B) an aggregate amount of \$445.66 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after January 2, 2005, which is chargeable to

fiscal year 2005: *Provided*, That all expenditures under this subsection (j) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(k) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for fiscal year 2005 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (1) an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) an aggregate amount of compensation of \$81.11 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(l) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2005:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$81.11 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2005; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$81.11 per calendar day for each member of the contract audit committee for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable from

appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2005; *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 6, 2004, and which are chargeable to fiscal year 2005.

(m) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2005:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$81.11 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2005; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and (B) an aggregate amount of compensation of \$81.11 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after January 2, 2005, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2005; *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 6, 2004, is payable and which are chargeable to fiscal year 2005.

(n) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2005, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2005 for:

(1) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 6, 2004, and before January 2, 2005, for which per diem compensation is payable to such

member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$81.11 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after January 2, 2005, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2005; *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 6, 2004, is payable and which are chargeable to fiscal year 2005.

(o) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2005, made by this or other appropriation act of the 2004 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which commences on or after June 6, 2004, and which is chargeable to the fiscal year ending on June 30, 2005, and to be distributed from a salary increase pool: *Provided*, That the average of such increases shall not exceed 3% of the base salaries of such officers and employees; and

(2) each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which commences on or after June 6, 2004, and which is chargeable to the fiscal year ending June 30, 2005, and to be distributed from a salary increase pool: *Provided*, That the average of such increases shall not exceed 3% of the base salaries of such officers and employees of such official, corporation or board. The provisions of this subsection (o)(2) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(p) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005, for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$324 for the two-week period which coincides with the first biweekly payroll period commencing in June, which is chargeable to fiscal year 2005, and for each of the 15 ensuing two-week periods thereafter and for

the two-week period which coincides with the first biweekly payroll period commencing in April, 2005, and for each of the 3 ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which is chargeable to fiscal year 2005: *Provided*, That all expenditures under this subsection (p) for such purposes shall be made in the same manner and at the same times that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable and which are chargeable to fiscal year 2005.

Sec. 140. (a) (1) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount in each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, and that is identified by the director of the budget as moneys previously estimated for expenditure for the acquisition of cars, vans or light trucks or for the motor pool dispatch pool and as moneys recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the vehicle moratorium reductions, as determined and certified by the director of the budget to the director of accounts and reports, from such special revenue fund to the state general fund: *Provided*, That, in making each such certification, the director of the budget shall take into account the maximum prescribed by subsection (a)(2), the approved budget for fiscal year 2005 and such other factors, limitations and considerations as are deemed applicable or appropriate by the director of the budget with respect to the particular special revenue fund and the state agency of the executive branch that is involved: *Provided further*, That, at the same time that each such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the amount transferred from each such special revenue fund to the state general fund pursuant to this subsection (a)(1) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(2) The aggregate of all of the amounts transferred from all such special revenue funds of state agencies in the executive branch of state government to the state general fund pursuant to subsection (a)(1), shall not exceed \$3,138,694.

(3) On July 1, 2004, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (a)(1), the amount of the approved budget of expenditures for fiscal year 2005 from each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, and that is identified by the director of the budget as moneys previously estimated for expenditure for the acquisition of cars, vans or light trucks or for the motor pool dispatch pool and as moneys recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the vehicle moratorium reductions and the amount of the approved budget of expenditures for fiscal year 2005 for such purpose from each budgeted account of such fund, or from both such fund and such account or accounts, as the case may be, are hereby respectively decreased by the amount equal to the aggregate of (A) the amount of money transferred from such special revenue fund to the state general fund pursuant to subsection (a)(1), if any, plus (B) any amount of money that would have been transferred from the special revenue fund to the state general fund as part of the vehicle moratorium reductions recommended by the governor except for contractual or other legal limitations or prohibitions on the transfer of all or part of such amount from such fund to the state general fund, as specified in such certification by the director of the budget, to the extent that any such decrease is not reflected in the approved budget for fiscal year 2005, as

determined and certified by the director of the budget to the director of accounts and reports under subsection (a)(1).

(4) On July 1, 2004, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (a)(1), the expenditure limitation established for fiscal year 2005 for each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature and that contains moneys previously estimated for expenditure for the acquisition of cars, vans or light trucks or for the motor pool dispatch pool and as moneys recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the vehicle moratorium reductions as determined and certified by the director of the budget to the director of accounts and reports under subsection (a)(1), if there is an expenditure limitation established for such special revenue fund for fiscal year 2005, and the expenditure limitation established for each account thereof for fiscal year 2005 by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, if there is an expenditure limitation for such account for fiscal year 2005, or from both such fund and such account or accounts, as the case may be, are hereby respectively decreased by the amount equal to the aggregate of (A) the amount of money transferred from such special revenue fund to the state general fund pursuant to subsection (a)(1), if any, plus (B) any amount of money that would have been transferred from such fund or account to the state general fund pursuant to subsection (a)(1) as part of the vehicle moratorium reductions except for contractual or other legal limitations or prohibitions on the transfer of all or part of such amount from such fund to the state general fund, as specified in such certification by the director of the budget, to the extent that any such decrease is not already included in the respective expenditure limitation established for such special revenue fund or account thereof for fiscal year 2005 by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, as determined and certified by the director of the budget to the director of accounts and reports under subsection (a)(1).

(b) (1) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount in each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, and that is determined by the director of the budget as the amount of money in such special revenue fund representing the reduced expenditures in expenditure categories encompassing contractual services, commodities and capital outlay identified through the Budget Efficiency Savings Teams (BEST) review of administrative processes and that was recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the BEST review, as determined and certified by the director of the budget to the director of accounts and reports, from such special revenue fund to the state general fund: *Provided*, That, in making each such certification, the director of the budget shall take into account the maximum prescribed by subsection (b)(2), the approved budget for fiscal year 2005 and such other factors, limitations and considerations as are deemed applicable or appropriate by the director of the budget with respect to the particular special revenue fund and the state agency of the executive branch that is involved: *Provided further*, That, at the same time that each such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the amount transferred from each such special revenue fund to the state general fund pursuant to this subsection (b)(1) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(2) The aggregate of all of the amounts transferred from all such special revenue funds of state agencies in the executive branch of state government to the state general fund pursuant to subsection (b)(1), shall not exceed \$20,036,789.

(3) On July 1, 2004, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (b)(1), the amount of the approved budget of expenditures for fiscal year 2005 from each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, and that is determined by the director of the budget as the amount of money in such special revenue fund representing the reduced expenditures in expenditure categories encompassing contractual services, commodities and capital outlay identified through the Budget Efficiency Savings Teams (BEST) review of administrative processes and that was recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the BEST review, as determined and certified by the director of the budget to the director of accounts and reports under subsection (b)(1), and the amount of the approved budget of expenditures for fiscal year 2005 for such purpose from each budgeted account thereof, or from both such fund and such account or accounts, as the case may be, are hereby respectively decreased by the amount equal to the aggregate of (A) the amount of money transferred from such special revenue fund to the state general fund pursuant to subsection (b)(1), if any, plus (B) any amount of money that would have been transferred from the special revenue fund to the state general fund pursuant to subsection (b)(1) as part of the reduced expenditures identified through the Budget Efficiency Savings Teams (BEST) review of administrative processes and recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the BEST review except for contractual or other legal limitations or prohibitions on the transfer of all or part of such amount from such fund to the state general fund, as specified in such certification by the director of the budget, to the extent that any such decrease is not reflected in the approved budget for fiscal year 2005, as determined and certified by the director of the budget to the director of accounts and reports under subsection (b)(1).

(4) On July 1, 2004, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (b)(1), the expenditure limitation established for fiscal year 2005 for each special revenue fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, and that contains moneys representing the reduced expenditures in expenditure categories encompassing contractual services, commodities and capital outlay identified through the Budget Efficiency Savings Teams (BEST) review of administrative processes that are recommended by the governor for removal from agency budgets for fiscal year 2005 as part of the BEST review, as determined and certified by the director of the budget to the director of accounts and reports under subsection (b)(1), if there is an expenditure limitation established for such special revenue fund for fiscal year 2005, and the expenditure limitation established for each account of such fund for fiscal year 2005 by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, if there is an expenditure limitation for such account for fiscal year 2005, or from both such fund and such account or accounts, as the case may be, are hereby respectively decreased by the amount equal to the aggregate of (A) the amount of money transferred from such special revenue fund to the state general fund pursuant to subsection (b)(1), if any, plus (B) any amount of money that would have been transferred from such fund or account to the state general fund pursuant to subsection (b)(1) as part of the reduced expenditures identified through the Budget Efficiency Savings Teams (BEST) review of administrative processes and recommended by the governor for removal from agency budgets for fiscal year 2005 except for contractual or other legal limitations or prohibitions on the transfer of all or part of such amount from such fund to the state general fund, as specified in such certification by the director of the budget, to the extent that any such decrease is not already included in the respective expenditure limitation established for such special revenue fund

or account thereof for fiscal year 2005 by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, as determined and certified by the director of the budget to the director of accounts and reports under subsection (b)(1).

(5) The provisions of this subsection (b) shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors; or

(B) the judicial council fund of the judicial council or any other special revenue fund appropriated for the judicial council by this or other appropriation act of the 2004 regular session of the legislature; or

(C) the dairy fee fund, the meat and poultry inspection fee fund, the soil amendment fee fund, the agricultural liming materials fee fund, the weights and measures fee fund, the water appropriation certification fund, the water resources cost fund, the chemigation fee fund, the Kansas agricultural remediation fund, the agricultural chemical fee fund, the fertilizer fee fund, the plant pest emergency response fund, the pesticide use fee fund, the water structures fund, and the fertilizer/pesticide compliance admin fund appropriated for the Kansas department of agriculture by this or any other appropriation act of the 2004 regular session of the legislature; or

(D) any special revenue fund appropriated for the state fair board by this or other appropriation act of the 2004 regular session of the legislature.

(c) (1) (A) Effective as of June 30, 2005, notwithstanding the provisions of any other statute except as otherwise provided by this subsection (c), the director of accounts and reports shall transfer the amount of the unencumbered balance in each special revenue fund of each state agency in the executive branch of state government named in section 22 of chapter 138 of the 2003 Session Laws of Kansas that is appropriated for the fiscal year ending June 30, 2005, by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, that is in excess of \$200,000, as certified by the director of the budget to the director of accounts and reports on or before April 19, 2004, from such special revenue fund to the state general fund: *Provided*, That, in making each such certification, the director of the budget shall take into account the maximum prescribed by subsection (c)(2) and such other factors and considerations as are deemed appropriate by the director of the budget with respect to the particular special revenue fund and the state agency that is involved: *Provided further*, That, at the same time that each such certification is made by the director of the budget to the director of accounts and reports under this paragraph (c)(1)(A), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the amount transferred from each such special revenue fund to the state general fund pursuant to this paragraph (c)(1)(A) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That the provisions of this paragraph (c)(1)(A) shall not apply to the bank commissioner fee fund of the state bank commissioner.

(B) Effective as of June 30, 2005, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount of the unencumbered balance in the bank commissioner fee fund of the state bank commissioner that is in excess of \$700,000, as certified by the director of the budget to the director of accounts and reports on or before April 19, 2004, from the bank commissioner fee fund of the state bank commissioner to the state general fund: *Provided*, That, in making such certification, the director of the budget shall take into account the maximum prescribed by subsection (c)(2) and such other factors and considerations as are deemed appropriate by the director of the budget with respect to the bank commissioner fee fund of the state bank commissioner: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this paragraph (c)(1)(B), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the amount transferred from each such special revenue fund to the state general fund pursuant to this paragraph (c)(1)(B) is to reimburse the state general

fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state bank commissioner by other state agencies which receive appropriations from the state general fund to provide such services.

(2) The aggregate of all of the amounts transferred from all such special revenue funds of state agencies in the executive branch of state government named in section 22 of chapter 138 of the 2003 Session Laws of Kansas to the state general fund pursuant to subsection (c)(1), shall not exceed \$4,593,429.

(d) The provisions of this section shall not apply to any moneys received from any agency or authority of the federal government or from any other federal source and shall not apply to any special revenue fund of the judicial or legislative branches of state government.

Sec. 141. (a) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2003 Supp. 75-4266 and amendments thereto.

(b) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the long-term care loan and grant fund of the department on aging established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(c) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund department on aging established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(d) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund SRS established by K.S.A. 2003 Supp. 75-4265 and amendments thereto.

(e) On or after July 1, 2004, during the fiscal year ending June 30, 2005, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the aging IGT fund of the department on aging.

(f) Commencing on July 1, 2004, or as soon as moneys are available therefor, during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer to the SRS IGT fund of the department of social and rehabilitation services, on the dates when the following transfers would have been made under the statute specified, the following: All amounts of money that would have been directed by subsection (f)(2) of K.S.A. 2003 Supp. 75-4265 and amendments thereto to be transferred from the intergovernmental transfer fund of the department on aging to the senior services trust fund, the long-term care loan and grant fund, the state medicaid match fund department on aging, and the state medicaid match fund SRS.

Sec. 142. Notwithstanding the provisions of K.S.A. 77-151 and K.S.A. 2003 Supp. 77-138 and 77-165, and amendments thereto, no state agency shall make expenditures for fiscal year 2005 to provide and deliver a full set of hardbound Kansas Statutes Annotated to each member of the legislature for the 2005 regular session: *Provided, however*, That new members of the legislature shall be entitled to receive one full set of hardbound Kansas Statutes Annotated, including any reissued hardbound volumes and one set of Kansas Statutes Annotated supplements, and expenditures shall be made for fiscal year 2005 to provide and deliver a full set of hardbound Kansas Statutes Annotated to each new member of the legislature, including any reissued hardbound volumes and one set of Kansas Statutes Annotated supplements: *Provided further*, That expenditures shall be made for fiscal year 2005 to provide and deliver to each returning member of the legislature one set of Kansas Statutes Annotated supplements and any reissued hardbound volumes for the 2005 regular session.

Sec. 143.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 144.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects \$227,635

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2005 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services: Provided further, That expenditures also may be made from this account during fiscal year 2005 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

Debt service — new state security hospital \$3,847,536

Debt service — state hospitals rehabilitation and repair \$3,353,011

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2005, expenditures may be made by the above agency from the other state fees fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair \$300,000

Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2005.

Sec. 145.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects \$142,460

Sec. 146.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects \$175,000

Roberts Building roof replacement \$85,000

Key card entry system \$112,000

Sec. 147.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Debt service payment for the revenue refunding bond issues \$3,637,303

Debt service payment for the Wichita work release facility bond issue... \$164,000

Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas	\$1,625,000
Debt service payment for the reception and diagnostic unit relocation bond issue	\$1,334,000
Debt service payment for the Topeka and Lansing correctional facility bond issue	\$1,018,000
(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:	
Debt service payment for the revenue refunding bond issues.....	\$1,689,697
Capital improvements — rehabilitation, remodeling, renovation and re- pair of correctional institutions.....	\$3,250,328

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2005 from the capital improvements — rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2005 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(c) During the fiscal year ending June 30, 2004, the department of corrections is hereby authorized to make expenditures to raze the hog farrowing barn and three small storage buildings on the grounds of Lansing correctional facility.

(d) During the fiscal year ending June 30, 2004, the department of corrections is hereby authorized to make expenditures to raze cottage 1 — building 17, cottage 2 — building 18, cottage 3 — building 19 and cottage 4 — building 20 on the grounds of the Norton correctional facility.

Sec. 148.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, the following:

Rehabilitation and repair projects.....	\$125,000
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Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Historical society capital improvements fund	No limit
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Sec. 149.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund.....	No limit
Insurance department rehabilitation and repair fund.....	No limit

Sec. 150.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities.....	\$143,886
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005.	
Judicial center improvements — debt service.....	\$100,360
Statehouse improvements — debt service.....	\$6,100,286
Energy conservation improvements — debt service	\$1,464,889

Judicial center rehabilitation and repair \$100,000

Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2004, is hereby reappropriated for fiscal year 2005. Any unencumbered balance in excess of \$100 as of June 30, 2004, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 2005: Judicial center renovation planning; judicial center improvements.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund	No limit
State facilities gift fund	No limit
Master lease program fund	No limit
State buildings depreciation fund	\$0
Executive mansion gifts fund	No limit
Topeka state hospital cemetery memorial gift fund	No limit

(c) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 2005, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 2005 from any unencumbered balance as of June 30, 2004, in each of the following capital improvement accounts of the state budget stabilization fund: Judicial center improvements; rehabilitation and repair for state facilities; judicial center rehabilitation and repair: *Provided*, That the expenditures for fiscal year 2005 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the state budget stabilization fund for the fiscal year 2005 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for the fiscal year 2005.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Paint and grounds shop — debt service	No limit
Parking improvements and repair	\$95,000

(e) In addition to the other purposes for which expenditures may be made from the building and ground fund for fiscal year 2005, expenditures may be made by the above agency from the building and ground fund for fiscal year 2005 from any unencumbered balance as of June 30, 2004, in each of the following capital improvement accounts of the building and ground fund: Docking 9th street right-of-way; parking improvements and repair: *Provided*, That the expenditures for fiscal year 2005 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2005 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2005.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects — debt service	\$763,650
Rehabilitation and repair	\$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2005.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2005, expenditures may be

made by the above agency from the state buildings depreciation fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2005.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Landon state office building — debt service	No limit
Memorial hall — debt service.....	No limit
State of Kansas facilities projects — debt service	No limit
Docking cooling towers replacement — debt service	No limit
700 Harrison purchase and renovation — debt service.....	No limit

(I) In addition to the other purposes for which expenditures may be made by the above agency from the motor pool service fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the motor pool service fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Motor pool shop — debt service.....	No limit
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(j) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant — debt service	No limit
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(k) On the effective date of this act, any unencumbered balance in each of the following accounts of the state buildings depreciation fund is hereby lapsed: Landon electrical controls upgrade; Landon fire pump replacement; Docking 11th floor re-roofing; Docking building assessment study; Landon building assessment study; capitol complex pedestrian — utility tunnels design and construction; capitol complex study; Landon roof repairs; Docking fire suppression system installation; Landon fire suppression system installation; Landon fail safe power supply; Landon security improvements.

Sec. 151.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation — bond and interest sinking fund	No limit
Lewis field renovation — revenue fund	No limit
Residential facilities renovation — bond and interest sinking fund	No limit
Residential facilities renovation — revenue fund	No limit

Sec. 152.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Lease payment — Salina aeronautical center (including aeronautical laboratory center)	\$189,446
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Federal construction funds fund	No limit
Bond construction funds fund.....	No limit
Coliseum repair, equipment and improvement fund.....	No limit
Farrell library renovation/expansion-gifts/donations fund.....	No limit
Plant science building phase II — special revenue fund	No limit
Engineering complex phase II private gift fund.....	No limit
Student recreation building repair, equipment & improvement fund.....	No limit
Coliseum/stadium parking repair & improvement fund	No limit
Energy conservation projects fund.....	No limit
Ackert hall addition — federal fund	No limit
Ackert hall addition — gifts and grants fund.....	No limit
Football stadium expansion — special revenue fund	No limit
Residence hall renovation fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2005, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Biological and agricultural engineering research storage building.....	No limit
Konza prairie preserve storage building	No limit
Improvements to grain science value added laboratory.....	No limit
Construct a materials acoustics laboratory.....	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the student union renovation and expansion fund for fiscal year 2005, expenditures may be made by the above agency from the student union renovation and expansion fund for fiscal year 2005 for costs associated with roof repair on an existing portion of the student union building.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for fiscal year 2005, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Accelerated testing laboratory garage addition	No limit
Accelerated testing laboratory storage/equipment shed.....	No limit
Salina national gas machinery laboratory	No limit

(f) During the fiscal year ending June 30, 2005, Kansas state university is hereby authorized to make expenditures to raze Dennison hall, to raze portions of building no. 025 (Seaton hall) and to raze Salina campus building no. 701.

(g) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to redevelop, renovate and equip the Jardine apartments: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project

during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate funds of Kansas state university.

Sec. 153.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND
AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2005, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2005 for the following capital improvement project or projects:

Validation/fresh meats processing laboratory	No limit
Renovate laboratories in Throckmorton hall	No limit
Warehouse expansion — department of agronomy building	No limit
Scandia experiment field office facility	No limit
Equipment/pesticide storage buildings	No limit
Southwest research extension center office/administrative facility	No limit
Equine education and research center	No limit
Southeast agriculture research center buildings	No limit
South central agronomy experiment field office and storage building	No limit
Grain science center	No limit
Agricultural shop buildings — east central Kansas experiment field	No limit
Animal science swine facility	No limit
Construct east Kansas horticulture research center	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored overhead research fund for fiscal year 2005, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Southeast agriculture research center buildings	No limit
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(c) During the fiscal years ending June 30, 2005, and June 30, 2006, upon approval of the state board of regents, the president of Kansas state university may request and the pooled money investment board is hereby authorized and directed to provide loans to Kansas state university for the grain science center biological and industrial value-added program in accordance with this subsection. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loans. As requested by the president of Kansas state university, the loan amounts shall be provided in multiple disbursements during fiscal year 2005 and fiscal year 2006 and each such amount shall bear interest from the date of disbursement based on the net earnings rate for the pooled money investment portfolio for the prior fiscal year. Interest-only payments shall be made on or before August 1, 2004, and on or before each August 1 thereafter until the principal amounts have been repaid. Loan principal amounts may be repaid at any time and all outstanding principal amounts shall be repaid in full on or before August 1, 2007. The aggregate of the loan amounts authorized by this subsection or by section 12(c) of chapter 137 of the 2003 Session Laws of Kansas shall not exceed \$4,000,000.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Greenhouse laboratory construction fund	No limit
Horticulture research/education center construction fund	No limit

(e) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005

and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for greenhouse laboratory construction: *Provided*, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for horticulture research/education center construction: *Provided*, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

Sec. 154.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund	No limit
Bond construction funds fund.....	No limit
Twin towers project revenue fund	No limit
Twin towers bond and interest sinking fund.....	No limit

Twin towers maintenance and equipment reserve fund No limit
 Sec. 155.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas polymer research center fund — private gifts	No limit
Suspense fund.....	No limit
Energy conservation projects fund.....	No limit
Overman student center construction fund.....	No limit
Armory/classroom/recreation center — federal fund	No limit
Armory/classroom/recreation center — private fund.....	No limit
Bonita terrace apartments renovation fund.....	No limit

(b) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to renovate Bonita terrace apartments: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,750,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund of Pittsburg state university or any other appropriate funds of Pittsburg state university.

(c) During the fiscal year ending June 30, 2005, Pittsburg state university is hereby authorized to make expenditures to raze the east campus apartments.
 Sec. 156.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund	No limit
Student health facility maintenance, repair, and equipment fee fund.....	No limit
Regents center revenue fund — K DFA D bonds, 1990.....	No limit
Regents center surplus fund.....	No limit
Regents center rebate fund.....	No limit
Regents center revenue refund project principal and interest — K DFA C bonds, 1997	No limit
Parking facilities surplus fund — K DFA G bonds, 1993	No limit

Provided, That the university of Kansas may make expenditures from the parking facilities surplus fund — K DFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor.

Student union addition — special revenue fund	No limit
Biosciences research center — special revenue fund	No limit
<i>Provided</i> , That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the biosciences research center — special revenue fund: <i>Provided further</i> , That the above agency may transfer moneys during fiscal year 2005 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: <i>And provided further</i> , That all transfers of moneys for fiscal year 2005 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 2005.	
Multicultural resource center — construction fund	No limit
<i>Provided</i> , That all gifts received for the capital improvement project to construct and equip a multicultural resource center shall be deposited in the state treasury to the credit of the multicultural resource center — construction fund: <i>Provided further</i> , That the above agency may transfer moneys during fiscal year 2005 from the appropriate accounts of the restricted fees fund to this fund for such capital improvement project: <i>And provided further</i> , That all transfers of moneys for fiscal year 2005 from the restricted fees fund to this fund shall be in addition to any expenditure limitation imposed on the restricted fees fund for fiscal year 2005.	
Athletic facilities enhancements special revenue fund KDFA A	
university proceeds	No limit
Renovate Ellsworth hall — special revenue fund	No limit
<i>Provided</i> , That the university of Kansas may transfer moneys for fiscal year 2005 from appropriate accounts of the house system repairs, equipment and improvement fund to the renovate Ellsworth hall — special revenue fund for the capital improvement project to renovate Ellsworth hall.	
Edwards campus facility expansion — special revenue fund	No limit
<i>Provided</i> , That all gifts and grants received for the capital improvement project to expand facilities on the Edwards campus, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the Edwards campus facility expansion — special revenue fund.	
Child care facility principal and interest fund	No limit
Child care facility bond reserve fund	No limit
Child care facility surplus fund	No limit
Child care facility operations account fund	No limit
Child care facility student fee account fund	No limit
Continuing education program building acquisition — special revenue fund	No limit
Dole institute gift or grant fund	No limit
Construct student recreation & fitness center — special revenue fund	No limit
<i>Provided</i> , That the university of Kansas may transfer moneys for fiscal year 2005 from appropriate accounts of the restricted fees fund to the construct student recreation and fitness center — special revenue fund for the capital improvement project to construct student recreation and fitness center.	
Rehabilitation and repair projects for institutions of higher education fund	
Rehabilitation and repair projects for disability act, etc fund	No limit
Templin hall rebate fund	No limit
Student union addition — university proceeds account KDFA T2 2001 fund	No limit
Edwards campus facility expansion — university proceeds account KDFA K 2002 fund	
(b) During the fiscal year ending June 30, 2005, the university of Kansas is hereby authorized to make expenditures to raze building no. 43 — Lindley hall annex.	No limit

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas from housing authority funds for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for finance grants for the capital improvement project to convert living units to suites in Hashinger residence hall at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the money received from the issuance of any such bonds for such capital improvement project: *Provided however*, That expenditures from the money received from the issuance of any such bonds for such capital improvement project shall not exceed \$12,600,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate special revenue fund or funds of the university of Kansas.

Sec. 157.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Construct and equip nursing education facility — gift and grant fund....	No limit
Parking facility revenue fund.....	No limit
Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Construct and equip research building fund	No limit
Construct and equip center for health in aging fund	No limit
Construct and equip center for health in aging bond reserve fund	No limit
Construct and equip center for health in aging — gift and grant fund ...	No limit
Construct and equip research support facility fund.....	No limit
Construct and equip addition to research support facility — gift and grant fund	No limit
Construct parking facility #3 fund.....	No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2005 from appropriate accounts of the parking fees fund to the construct parking facility #3 fund for such capital improvement project.

(b) During the fiscal year ending June 30, 2005, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond reserve fund.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and for fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and for fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #3: *Provided*, That such capital improvement project is

hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$14,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the parking fees fund or any other appropriate funds.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #4: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$7,644,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the parking fees fund or any other appropriate funds.

(e) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 to assist the state board of regents in the exchange and conveyance of university real property and association real property pursuant to section 158 of this act for the purposes of the capital improvement project for the university of Kansas medical center to construct parking facility #4 as approved by subsection (d).

Sec. 158. (a) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 and fiscal year 2005 to provide for the exchange and conveyance of university real property and association real property pursuant to this section to provide for the capital improvement project approved for the university of Kansas medical

center to construct parking facility #4 as provided in subsection (d) of section 157 of this act.

(b) The state board of regents, for and on behalf of the university of Kansas is hereby authorized to exchange and convey the university real property to the Kansas university endowment association in consideration for the conveyance by the Kansas university association of the association real property to the university of Kansas and to accept such association real property.

(c) The exchange and conveyance of the university real property by the state board of regents under this section shall be executed in the name of the state board of regents by the chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the Kansas university endowment association conveying the association real property. Before any such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the Kansas university endowment association and the instruments of conveyance of the Kansas university endowment association to the university of Kansas and shall approve the title to the association real property exchanged and conveyed by the Kansas university endowment association.

(d) The exchange and conveyance of university real property and association real property pursuant to this section is incidental to and in facilitation of the capital improvement project approved for the university of Kansas medical center to construct parking facility #4.

(e) As used in this section:

(1) "University real property" means: A tract of land being part of Lots 113 through 122, MUEHLEBACH PLACE, a subdivision in Kansas City, Wyandotte county, Kansas and part of vacated Eaton Street adjoining the West line of said Lot 122 and part of vacated Olathe Boulevard adjoining the South line of Lots 113 through 122, all being more particularly described as follows: Beginning at the intersection of the South right-of-way line of said vacated Olathe Boulevard with the West right-of-way line of Cambridge Street, as said vacated boulevard and street are now established; thence South 89°31'57" West, along the South line of said vacated Olathe Boulevard and its Westerly prolongation, a distance of 305.16 feet; thence North 00°08'56" East, departing said prolongation, a distance of 193.44 feet; thence North 89°43'53" East, a distance of 304.47 feet, to a point on the West right-of-way line of said Cambridge Street; thence South 00°03'18" East, along said West right-of-way line and its Southerly prolongation, a distance of 192.38 feet, to the Point of Beginning, containing 58,800 square feet, more or less; and

(2) "Association real property" means: A tract of land being all of Lots 165 through 174 and Lots 189 through 192, MUEHLEBACH PLACE, a subdivision in Kansas City, Wyandotte county, Kansas, and the East 11.27 feet of vacated Eaton Street adjoining the West line of said Lots 164, 191 and 192, all being more particularly described as follows: Beginning at the Northeast corner of said Lot 174, said corner also being the point of intersection of the South right-of-way line of vacated Olathe Boulevard with the West right-of-way line of Cambridge Street, as said vacated boulevard and street are now established; thence South 00°03'18" East, along the West right-of-way line of said Eaton Street, a distance of 206.92 feet, to the Southeast corner of said Lot 190, said corner also being on the South line of said MUEHLEBACH PLACE; thence South 89°25'42" West, along said South line, a distance of 283.45 feet, to a point 11.27 feet West of the Southwest corner of said Lot 191; thence North 00°15'39" West, along a line 11.27 feet West of and parallel with the East right-of-way line of said vacated Eaton Street, a distance of 207.43 feet, to a point on the Westerly prolongation of the South right-of-way line of vacated Olathe Boulevard, said point being 11.27 feet West of the Northwest corner of said Lot 165; thence North 89°31'57" East, along said prolongation and along said South right-of-way line, a distance of 284.19 feet, to the Point of Beginning, containing 58,800 square feet, more or less.

Sec. 159.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

On campus parking reserve account fund — K DFA B bonds.....	No limit
Parking system project — maintenance fund, K DFA revenue bonds.....	No limit
On campus parking principal and interest fund — K DFA B bonds	No limit
Rehabilitation and repair projects/disability act/fire compliance/improvement to classroom projects fund	No limit
Parking system project revenue fund — K DFA bonds	No limit
WSU housing system surplus fund.....	No limit
Regents rehabilitation and repair phase II — K DFA G bonds, 1997 fund.....	No limit

Sec. 160.

STATE BOARD OF REGENTS

(a) Notwithstanding the provisions of K.S.A. 2003 Supp. 76-783 and amendments thereto or any other statute, upon receipt of a certification by the state board of regents that principal and interest payments are to commence for a capital improvement project or projects approved in accordance with K.S.A. 2003 Supp. 76-777 through 76-789 and amendments thereto, the director of accounts and reports shall transfer moneys during the fiscal year ending June 30, 2005, from the state general fund to a debt service fund or funds of the state board of regents in accordance with such certification and in the amount or amounts specified in such certification for the project or projects specified therefor on or before the payment date or dates specified therefor.

(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Debt service — revenue bonds issued for major remodeling and new construction projects at state educational institutions..... \$15,000,000

(c) On July 1, 2004, of the \$13,000,000 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 24(a) of chapter 137 of the 2003 Session Laws of Kansas from the Kansas educational building fund in the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account, the sum of \$6,000,000 is hereby lapsed.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund No limit

Sec. 161.

DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for fiscal year 2005, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2005 from moneys made available to the state under section 903 of the federal social security act, as amended: *Provided*, That expenditures from this fund during fiscal year 2005 of moneys made available to the state under section 903 of the federal social security act, as amended, may be made for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund for fiscal year 2005 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$585,000 plus the amounts of unencumbered balances as of June 30, 2004, for capital improvement projects approved for fiscal years prior to fiscal year 2005: *And provided further*, That all expenditures from this fund for any such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2005.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Complete remodeling of agency headquarters fund	No limit
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Provided, That the department of human resources may make expenditures from the complete remodeling of agency headquarters fund for the capital improvement project to complete remodeling of the agency headquarters.

(c) In addition to the other purposes for which expenditures may be made by the department of human resources from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of human resources from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to complete renovation of the agency headquarters, including necessary furniture and equipment: *Provided*, That such capital improvement project is hereby approved for the department of human resources for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of human resources may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,800,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of the complete remodeling of agency headquarters fund or as otherwise prescribed by applicable bond covenants and shall be accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any other appropriate special revenue fund or funds.

Sec. 162.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Soldiers' home repair and rehabilitation projects	\$100,000
Veterans' home repair and rehabilitation projects.....	\$100,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Winfield veterans home acquisition and construction fund.....	No limit
Veterans' home federal construction grant fund	No limit

Provided, That all moneys received by the above agency as federal grants for the purposes of construction and remodeling at the Kansas veterans' home, which grants are hereby authorized to be applied for and received by the above agency, shall be deposited in the state treasury to the credit of the Veterans' home federal construction grant fund.

Veterans' cemeteries federal construction grant fund.....	No limit
Kansas soldiers home construction grant fund	No limit

Sec. 163.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for

the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Debt service — headquarters building	\$313,905
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Sec. 164.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2005, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — training center — Salina	\$599,975
Rehabilitation and repair — training center — Salina	\$49,034

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 2005.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2005, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — vehicle inspection facility — Olathe	\$59,848
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2005.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2005, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — Topeka fleet service	\$283,788
Debt service — port weigh stations	\$110,861
Replacement of scales	\$234,144

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the Kansas highway patrol operations fund for fiscal year 2005.

(d) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$628,793 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2005 for support and maintenance of the Kansas highway patrol.

Sec. 165.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Debt service — rehabilitation and repair of the statewide armories	\$912,005
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Sec. 166.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Any unencumbered balance in excess of \$100 as of June 30, 2004, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2005: Crawford state fishing lake sewer repair.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund	No limit
Bridge maintenance fund.....	No limit

(c) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,500,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(d) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the department of wildlife and parks.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Migratory waterfowl propagation and protection fund — wetlands acquisition/ development	\$200,000
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2005.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2005, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That all expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2005.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Boating fee fund — motorboat access	\$245,000
Boating fee fund — Coast Guard boating projects.....	\$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2005.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2005, expenditures may be made by the above agency from the boating fee fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2005 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2005.

(I) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife fee fund federally mandated boating access	\$700,000
Wildlife fee fund rehabilitation and repair	\$150,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2005.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2005, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2005.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife conservation fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife conservation fund — wetlands acquisition/development	\$350,000
Wildlife conservation fund — land acquisition	\$500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2005.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2005, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2005 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2005.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2005, expenditures may be made by the above agency from the parks fee fund for fiscal year 2005 from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2005.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Menninger memorial state park.....	\$100,000
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Provided, That no expenditures shall be made from the Menninger memorial state park account of the parks fee fund for the fiscal year ending June 30, 2005, until title for the property has been conveyed to the department of wildlife and parks and after the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2005.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
 Land and water conservation fund — rehabilitation and repair \$799,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2005.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2005 expenditures may be made by the above agency from the unencumbered balance as of June 30, 2004, in each existing capital improvement account of the land and water conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2004: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2005 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund for the fiscal year 2005.

(q) During the fiscal year ending June 30, 2005, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for construction of any new river access on the Kansas River, unless (1) in any case of a new river access project on the Kansas river to be located wholly or partially outside an incorporated municipality, the secretary of wildlife and parks has obtained the prior written permission for the proposed river access from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and, if a parcel of any such immediately adjacent real property is being leased, then the secretary also has obtained the prior written permission for the proposed new river access project from the lessor of such immediately adjacent real property, and (2) in any case of a new river access project on the Kansas river to be located wholly within an incorporated municipality, the secretary has obtained the prior written permission for the proposed new river access project from the governing body of the municipality.

Sec. 167.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Capital improvements — rehabilitation, remodeling, renovation and repair of juvenile correctional facilities \$1,120,000

Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys from the capital improvements — rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account of the state institutions building fund to an account or accounts of the state institutions building fund of any institution or facility under the jurisdiction of the commissioner of juvenile justice to be expended during fiscal year 2005 by the institution or facility for capital improvement projects approved by the commissioner of juvenile justice.

Debt service — Topeka complex and Larned juvenile correctional facility \$4,001,013
 Install back-up generator at Topeka juvenile correctional facility \$494,908

(b) On the effective date of this act, of the \$3,249,995 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 25(a) of chapter 137 of the 2003 Session Laws of Kansas from the state institutions building fund in the debt service — Topeka complex and Larned juvenile correctional facility account, the sum of \$484,292 is hereby lapsed.

Sec. 168. On July 1, 2004, K.S.A. 2003 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that (1) no transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) no amount shall be transferred under this section from the state general fund to the state fair capital improvements fund during the fiscal year ending June 30, ~~2004~~ 2005.

Sec. 169. On July 1, 2004, K.S.A. 2003 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2009, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 2003 Supp. 55-192 and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state ~~water plan~~ general fund to the abandoned oil and gas well fund during state fiscal year ~~2004~~ 2005, and (b) ~~no the aggregate of the transfers shall be~~ made pursuant to this section from the state ~~general~~ water plan fund to the abandoned oil and gas well fund during state fiscal year ~~2004~~ 2005 shall not exceed \$667,000.

Sec. 170. On July 1, 2004, K.S.A. 2003 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its bond and interest fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median

AVPP. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, ~~2004~~ 2005, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

Sec. 171. On July 1, 2004, K.S.A. 2003 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2003 Supp. 76-774 and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, ~~2004~~ 2005, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$5,000,000.

Sec. 172. On July 1, 2004, K.S.A. 2003 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that no moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal year ~~2004~~ 2005. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 173. On July 1, 2004, K.S.A. 2003 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal year ~~2004~~ 2005. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made

in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 174. On July 1, 2004, K.S.A. 2003 Supp. 79-3425c is hereby amended to read as follows: 79-3425c. (a) On July 15, ~~2003~~ 2004, October 15, ~~2003~~ 2004, February 15, ~~2004~~ 2005, and May 15, ~~2004~~ 2005, and on each January 15, April 15, July 15 and October 15 of each year thereafter, the director of accounts and reports shall transfer \$625,000 to the county equalization and adjustment fund from the special city and county highway fund and on such dates the state treasurer shall apportion and pay to the several counties of the state 57% of the moneys in the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, and shall apportion and pay to the several cities of the state the remaining 43% of such moneys.

(b) The allocation and payment to each county under the provisions of this section shall be made in the following manner:

First, Each county of the state shall receive a payment of \$5,000;

Second, Of the balance remaining, 44.06% thereof shall be apportioned and paid to each county on February 15, ~~2004~~ 2005, and May 15, ~~2004~~ 2005, and on each January 15 and April 15 of each year thereafter in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the second preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the preceding calendar year;

Third, 44.06% of such balance shall be apportioned and paid to each county on February 15, ~~2004~~ 2005, and May 15, ~~2004~~ 2005, and on each January 15 and April 15 of each year thereafter in the proportion that the average daily vehicle miles traveled in such county for the second preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the average daily vehicle miles traveled in such county for the preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the preceding calendar year; and

Fourth, the remaining 11.88% of such balance shall be apportioned and paid to each county on February 15, ~~2004~~ 2005, and May 15, ~~2004~~ 2005, and on each January 15 and April 15 of each year thereafter in the proportion that the total road miles in such county for the second preceding calendar year bears to the total road miles in all counties of the state for the second preceding calendar year; and on July 15 and October 15 of each year in the proportion that the total road miles in such county for the preceding calendar year bears to the total road miles in all counties of the state for the preceding calendar year.

If the total amount of money received by any county pursuant to the foregoing distribution formula during the period from July 15 of any year to April 15 of the next succeeding year is less than the total amount received by such county from the special city and county highway fund and the county equalization and adjustment fund for fiscal year 1999, the state treasurer shall apportion and pay to each such county from the county equalization and adjustment fund an amount which together with the amount received pursuant to the foregoing distribution formula will equal the total amount received from the two aforementioned funds during such period of time. In the event that there is insufficient funds in the county equalization and adjustment fund to pay each county the amount to which it is entitled, each county shall receive a payment in the proportion that the amount to which such county is entitled bears to the amount to which all such counties are entitled. If there is money remaining in such fund after such distribution, the state treasurer shall distribute the balance to the several counties in the manner provided in the second and third clauses of the foregoing formula for distributing moneys to counties from the special city and county highway fund.

All payments shall be made to the county treasurers of the respective counties, and upon receipt of the same:

(1) The county treasurers of Sedgwick and Shawnee counties shall credit 50% of the moneys received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties;

(2) the county treasurer of Wyandotte county shall credit 10% of the moneys received to the road and bridge fund of such county and apportion and pay the remainder of such moneys to the several cities located in such county;

(3) the county treasurers of Lyon, Cowley, Crawford, Montgomery, Butler, Saline, Leavenworth, Riley, Reno and Douglas counties shall credit 90% of the moneys so received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties except that no persons residing within the Fort Riley military reservation shall be included or considered in determining the population of any city located within Geary or Riley county; and

(4) the county treasurers of Johnson county and all other counties not listed in paragraphs (1), (2) or (3) shall credit all of the moneys received to the road and bridge fund of such counties.

Not less than 25% of the amount received by each county and credited to the county road and bridge fund under the provisions of this section shall be expended by the county on mail and school bus routes on county roads as defined in K.S.A. 68-101, and amendments thereto. Payments to the cities under the provisions of this subsection shall be in the proportion that the population of each city bears to the total population of all cities located in the same county as such city.

In counties which have not adopted the county-unit road system, the amount of money retained by such counties after distribution to the cities within such county pursuant to this subsection shall be distributed to each township within such county in not less than the proportion that the amount of money received by each township from the county and township road fund during the period from July 1, 1969, to June 30, 1970, bears to the total amount of money received by such county from the county and township road fund, the county road and city street funds, the special motor carrier fee county road fund and the special city and county highway fund during the period from July 1, 1969, to June 30, 1970, plus the amount such county would have received on July 15, 1970, from the special city and county highway fund based on the formula for distributing such fund in effect on June 30, 1970. All payments to townships hereunder shall be made to the treasurers thereof, and all moneys so received shall be deposited in the general road fund of such township.

(c) The allocation and payment of moneys to the several cities of the state from the special city and county highway fund shall be in the proportion that the population of each city bears to the total population of all cities in the state except that the population of any military reservation which has been annexed to a city after the date of December 31, 1981, shall not be included in the population of such city for the purpose of this allocation. All such payments shall be to the city treasurers of the respective cities. Upon receipt of same unless a consolidated street and highway fund is established pursuant to K.S.A. 12-1,119, and amendments thereto, the city treasurer of each city shall credit the same to a separate fund to be used for the construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city and for the payment of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and amendments thereto.

(d) For the purposes of this section, the average daily vehicle miles traveled in each county shall be determined by the secretary of transportation, but it shall not include miles traveled on interstate highways, and the population of each city shall be reported in the annual enumeration by the state board of agriculture for the preceding calendar year.

(e) In order to reduce vehicular traffic and congestion on its streets and highways, the board of county commissioners of any county, the governing body of any city or the township board of any township may use for the purpose of constructing, repairing and maintaining footpaths and bicycle paths not to exceed 10% of the moneys such government receives under K.S.A. 79-3425c, and amendments thereto, except that such limitation shall not apply to moneys received by a county that the county is required to distribute to a city or a township. Such moneys shall not be expended on any recreational trail, as defined in subsection (b) of K.S.A. 2003 Supp. 58-3211, and amendments thereto.

Sec. 175. On July 1, 2004, K.S.A. 2003 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) ~~no~~ *the amount of moneys shall be* transferred from the state general fund to the special city and county highway fund during state fiscal year ~~2004~~ 2005 *on each such date shall not exceed \$5,031,832.* All transfers under this section shall be considered to be demand transfers from the state general fund *except that all such transfers during the fiscal year ending June 30, 2005, shall be considered to be revenue transfers from the state general fund.*

Sec. 176. On July 1, 2004, K.S.A. 2003 Supp. 79-34,147 is hereby amended to read as follows: 79-34,147. (a) (1) On July 1, 1999, and quarterly thereafter the secretary of revenue shall certify to the director of accounts and reports the amount equal to 7.628% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(2) On July 1, 2001, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 9.5% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(3) On July 1, 2002, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(4) On July 1, 2003, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11.25% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(5) On July 1, 2004, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 12% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(b) Upon receipt of each certification under subsection (a), the director of accounts and reports shall transfer from the state general fund to the state highway fund an amount equal to the amount so certified, on each July 1, October 1, January 1 and April 1, except that no transfers shall be made pursuant to this section during state fiscal year ~~2004~~ 2005. All transfers made pursuant to this section are subject to reduction under K.S.A. 75-6704, and amendments thereto.

(c) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 177. On July 1, 2004, K.S.A. 2003 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During the fiscal year ending June 30, ~~2004~~ 2005, the director of accounts and reports shall transfer ~~\$3,773,949~~ \$3,748,839 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, ½ of such amount to be transferred on July 15 and to be transferred on January 15, except that such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, ~~2004~~ 2005, shall be considered revenue transfers from the state general fund.

Sec. 178. On July 1, 2004, K.S.A. 2003 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7½% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2004~~ 2005, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2003~~ 2004 regular session of the legislature.

Sec. 179. On July 1, 2004, K.S.A. 2003 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i, 79-34,147 and 82a-953a are hereby repealed.

Sec. 180. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2004, or ending June 30, 2005, made in chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or in this act or in any other appropriation act of the 2004 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 181. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 182. *Savings.* (a) Any unencumbered balance as of June 30, 2004, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for the same use and purpose as the same was heretofore appropriated. This subsection shall not apply to any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas.

(b) Any unencumbered balance as of June 30, 2004, in any special revenue fund, or account thereof, of any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for fiscal year 2005 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 183. During the fiscal year ending June 30, 2005, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2005, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the

deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 184. *Federal grants.* (a) During the fiscal year ending June 30, 2005, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2005, each federal grant or other federal receipt which is received by a state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise appropriated to that state agency for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for fiscal year 2005 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2005, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2005.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature to apply for and receive federal grants during fiscal year 2005, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 185. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2004 regular session of the legislature, and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 186. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2004 regular session of the legislature and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 187. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2004 regular session of the legislature and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 188. Any transfers of money during the fiscal year ending June 30, 2005, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2005.

Sec. 189. During the fiscal year ending June 30, 2005, each state agency named in this act that has a cost reduction for which an employee suggestion bonus is paid pursuant to

subsection (f) of K.S.A. 2003 Supp. 75-37,105, and amendments thereto, shall transfer (1) from each state general fund appropriation or reappropriation account for fiscal year 2005 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2003 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such account, and (2) from each special revenue fund for fiscal year 2005 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2003 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such special revenue fund.

Sec. 190. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all in lines 14 through 17 and inserting “AN ACT making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2003 Supp. 2-223, 55-193, 75- 2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS
DAVID ADKINS
CHRISTINE DOWNEY
Conferees on part of Senate

MELVIN J. NEUFELD
CLARK SHULTZ
BILL FEUERBORN
Conferees on part of House

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Morris, Oleen, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Helgerson, Huelskamp, Journey, Lyon, O'Connor, Pugh, Steineger.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2675**. The last available month end figures indicate that state tax receipts are only growing at 5.3% over last year. This budget reflects a 7.2% increase in the state general fund budget, FY 05 over FY 04. Spending habits like this cannot last much longer.—KARIN BROWNLEE

CHANGE OF CONFERENCE

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as a member of the Conference Committee on **SB 552** to replace Senators Morris, Adkins and Downey.

The President announced the appointment of Senators Brungardt, Lyon and Gilstrap as a member of the Conference Committee on **HB 2101** to replace Senators Harrington, Brungardt and Gooch.

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as a member of the Conference Committee on **HB 2418** to replace Senators Morris, Adkins and Downey

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Teichman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1841—

A RESOLUTION celebrating the 50th anniversary of the National Hot Rod Association's first national race by declaring the period May 21 to 30 as Kansas drag racing week.

WHEREAS, Soon after the end of World War II young men were celebrating the exuberance of their youth by participating in a sport that became known as drag racing. Whether on a dry salt lake in California, a former World War II airstrip or a secluded straight strip of highway one racer pitted his car against another in a race to determine which could travel a quarter mile in the quickest time; and

WHEREAS, Wally Parks, an Oklahoma native who moved to California and observed his first dry lake speed trials prior to World War II, became editor of the monthly enthusiast magazine *Hot Rod* and used this forum to found the National Hot Rod Association in 1951. In 1955 the organization held its first national event, called simply "the Nationals" at a former World War II airfield at Great Bend, Kansas. The 1955 Nationals was the first televised track event, but the event had to be moved to a new venue at the end of three days because of a "gulley washer" which washed away the hay bales acting as guard rails. The track today is a National Historic Site. Charter members and founders include Bob Engle, Earl McDonald, J.D. Murray, Dale Swalander and LeRoy Foos with Mr. Foos and Mr. Engle still living in the Great Bend community; and

WHEREAS, Today, the National Hot Rod Association is the world's largest motorsports sanctioning body with 80,000 members, 140 member tracks, more than 35,000 licensed competitors and more than 5,000 member-track events; and

WHEREAS, On May 21 to 23 the refurbished track at Great Bend, now the Sunflower Rod and Custom Drag Strip, will be the site of the Lucas Oil Drag Racing Series celebrating the 50th Anniversary of drag racing, and the following weekend May 27 to 30 the O'Reilly Summer Nationals will be held in Topeka at Heartland Park: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That in recognizing the 50th anniversary of the National Hot Rod Association's first Nationals at Great Bend, and the two forthcoming association events in Kansas, we declare the period May 21 to 30 as Kansas Drag Racing Week; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Ron Conner, Division Services Coordinator, West Central Division of the National Hot Rod Association, 3720 Arrowhead Avenue, Suite 103, Independence, MO 64057.

On emergency motion of Senator Teichman **SR 1841** was adopted unanimously.

Guests introduced and welcomed were Ron Conner, Rob Park, R.C. and Donna Williams, Raymond and Nancy Irwin, Bill Griffin and Butch Felker.

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1842—

A RESOLUTION commending Regent J. Paul Johnson, newly appointed 16th Chairman of the Board of Regents of Texas Southern University.

WHEREAS, Regent J. Paul Johnson, a native of Kansas City, Kansas, and a 1993 graduate of Texas Southern University, is President and Chief Executive Officer of Liberty, Inc. in Houston. Prior to becoming an entrepreneur, Mr. Johnson began a career journey in banking by successfully completing a trainee program at Texas Commerce Bank (Chase Manhattan). He was made Branch Manager at Chase Bank of Houston and was later promoted to Assistant Vice President of Chase Northeast Branch. Mr. Johnson participates actively in the Professional and Youth Alliance, an organization that assists at-risk youth; and

WHEREAS, Regent J. Paul Johnson was recently appointed, by the Governor of Texas, as the 16th Chairman of the Board of Regents of Texas Southern University in Houston, Texas. We join his proud family and friends in celebrating this prestigious accomplishment: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we proudly recognize Regent J. Paul Johnson for his appointment as the 16th Chairman of the Board of Regents of Texas Southern University, and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Priscilla D. Slade, Ph.D., President of Texas Southern University, Office of the President, 3100 Cleburne Street, Houston, Texas 77004; Mr. and Mrs. Roy Kirk, 4941 Wood Avenue, Kansas City, Kansas 66102; The Honorable Rodney Ellis, Texas Senate, Capitol Building, 1100 Congress, Austin, TX 78701; and two copies to Senator David Haley. On emergency motion of Senator Haley **SR 1842** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2705** be amended on page 1, following line 12, by inserting:

“Section 1. K.S.A. 2003 Supp. 82a-714 is hereby amended to read as follows: 82a-714.

(a) Upon the completion of the construction of the works and the actual application of water to the proposed beneficial use within the time allowed, the applicant shall notify the chief engineer to that effect. The chief engineer or the chief engineer’s duly authorized representative shall then examine and inspect the appropriation diversion works and, if it is determined that the appropriation diversion works have been completed and the appropriation right perfected in conformity with the approved application and plans, the chief engineer shall issue a certificate of appropriation in duplicate. The original of such certificate shall be sent to the owner and shall be recorded with the register of deeds in the county or counties wherein the point of diversion is located, as are other instruments affecting real estate, and the duplicate shall be made a matter of record in the office of the chief engineer.

(b) Not later than 60 days before the expiration of the time allowed in the permit to complete the construction of the appropriation diversion works or the time allowed in the permit to actually apply water to the proposed beneficial use, the chief engineer shall notify the permit holder by certified mail that any request for extension of such time must be filed with the chief engineer before the expiration of the time allowed in the permit.

(c) Unless the applicant requests an extension or the certificate has not been issued due to the applicant’s failure to comply with reasonable requests for information or to allow the opportunity to examine and inspect the appropriation diversion works, as necessary for certification, the chief engineer shall certify an appropriation:

(1) Before July 1, 2004, if the time allowed in the permit to perfect the water right expired before July 1, 1999, *except in those cases in which abandonment proceedings pursuant to K.S.A. 82a-718, and amendments thereto, are pending on July 1, 2004; or*

(2) *before July 1, 2006, in such cases in which an abandonment proceeding was pending pursuant to K.S.A. 82a-718, and amendments thereto, on July 1, 2004; or*

(3) not later than five years after the date the applicant notifies the chief engineer of the completion of construction of the works and the actual application of water to the proposed beneficial use within the time allowed, in all other cases.

If the chief engineer fails to issue a certificate within the time provided by this subsection, the applicant may request review, pursuant to K.S.A. 2003 Supp. 82a-1901 and amendments thereto, of the chief engineer’s failure to act.

(d) Except for works constructed to appropriate water for domestic use, each notification to the chief engineer under subsection (a) shall be accompanied by a field inspection fee of \$200, or commencing July 1, 2002, and ending June 30, 2005, a fee of \$400. Failure to pay the field inspection fee, after reasonable notice by the chief engineer of such failure, shall result in the permit to appropriate water being revoked, forfeiture of the priority date and revocation of any appropriation right that may exist.

(e) A request for an extension of time to: (1) Complete the diversion works; or (2) perfect the water right, shall be accompanied by a fee of \$50, or commencing July 1, 2002, and ending June 30, 2005, a fee of \$100.

(f) A request to reinstate a water right or a permit to appropriate water which has been dismissed shall be filed with the chief engineer within 60 days of the date dismissed and shall be accompanied by a fee of \$100, or commencing July 1, 2002, and ending June 30, 2005, a fee of \$200.

(g) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.

Sec. 2. K.S.A. 82a-734 is hereby amended to read as follows: 82a-734. (a) An operator will notify the chief engineer ~~of the division of water resources of the state board of agriculture~~ of the location and area extent of any existing or proposed sand and gravel pit to be excavated, expanded or operated by the operator.

(b) ~~Unless the chief engineer determines that it has a substantially adverse impact on the area groundwater supply,~~ The net evaporation of water exposed as the result of the opening or operation of sand and gravel pits shall ~~not~~ be construed to be a beneficial use or diversion of water for the purposes of the Kansas water appropriation act, K.S.A. 82a-701 *et seq.*, and amendments thereto, *if the sand and gravel pit is opened or operated in a township where the average annual potential net evaporation is greater than 18 inches per year, as determined by the chief engineer.*

(c) *If the chief engineer determines that an existing or proposed sand and gravel pit operation is a beneficial use of water, the operator shall apply to the chief engineer for a permit to appropriate water in accordance with the Kansas water appropriation act or otherwise acquire ownership or control of sufficient water rights, or by other methods pursuant to rules and regulations adopted by the chief engineer, or both, to offset net evaporation for the operation.*

(d) (1) *The period of time allowed to complete construction of diversion works pursuant to an approved application to appropriate water for the purpose of net evaporation from a sand and gravel pit operation shall be reasonable and consistent with the proposed use, but not less than five years. The chief engineer may allow extension of such period by not to exceed two five-year extensions if it can be shown that the operation requires the additional time for the operator to satisfy the operator's market demand in the area. The two five-year extensions may be granted at the same time, to run consecutively, if the applicant submits to the chief engineer a written development plan.*

(2) *The period of time allowed to perfect an approved application to appropriate water for the purpose of net evaporation from a sand and gravel pit operation shall be not less than 20 years and, for good cause shown, the chief engineer may allow one or more 10-year extensions of such period. The chief engineer shall consider the time needed until exhaustion of proven reserves, closure in accordance with the surface land reclamation and mining act, K.S.A. 49-601 *et seq.*, and amendments thereto, and the availability of water for the proposed use, but in no case shall allow longer than 60 years for perfection.*

(3) *Nothing herein shall require an extension of time to construct diversion works or to perfect a water right if there is demonstrable impairment of a use under an existing water right from the same source of supply, as determined pursuant to K.S.A. 82a-711, and amendments thereto.*

(e) Evaporation from sand and gravel pits, as calculated by the chief engineer, will be reported as an industrial use to the director of taxation for the purpose of assessing the water protection fee pursuant to K.S.A. ~~92a-954~~ 82a-954, and amendments thereto.

(f) *This section shall be part of and supplemental to the Kansas water appropriations act.*

New Sec. 3. The chief engineer of the division of water resources of the department of agriculture and the state geological survey shall study and develop recommendations regarding: (a) The use of water banking as it pertains to sand and gravel pits; (b) calculation of evapotranspiration and its effects on consumptive use from sand and gravel pits, with special emphasis on salt cedar (tamarisk); and (c) the pollution control and flood control impacts of diverting water runoff into sand and gravel pits. On or before January 20, 2006, the chief engineer and the state geological survey shall submit a report of the study and recommendations to the house and senate standing committees on agriculture, the house standing committee on environment and the senate standing committee on natural resources.”;

Also on page 1, in line 13, by striking “Section 1.” and inserting “Sec. 4.”; by striking all in line 24 and inserting:

“Sec. 5. K.S.A. 82a-734 and K.S.A. 2003 Supp. 82a-714 and 82a-953a are hereby repealed.”;

By renumbering section 3 accordingly;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before the period and inserting “water; relating to appropriation of water; providing for a study and

recommendations regarding certain matters; relating to the state water plan fund; amending K.S.A. 82a-734 and K.S.A. 2003 Supp. 82a-714 and 82a-953a and repealing the existing sections"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 350 reported correctly engrossed March 31, 2004.

Also: **SB 66**, **SB 431** correctly re-engrossed March 31, 2004.

H Sub for Sub SB 153 reported correctly engrossed April 1, 2004.

Also: **SB 382**, **SB 404** correctly re-engrossed April 1, 2004.

REPORT ON ENROLLED BILLS

SR 1829 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2004.

SCR 1623 reported correctly enrolled, properly signed and presented to the Secretary of State on March 31, 2004.

INTRODUCTION OF ORIGINAL MOTION AND SENATE RESOLUTIONS

Senator Journey, citing Senate Rule 11, submitted in writing a motion to withdraw **SB 106** from the Committee on Federal and State Affairs and be placed on the calendar under the heading of General Orders.

Motion Pursuant to Senate Rule 11 Committee Action on Bills and Resolutions

Comes now Kansas State Senator Phillip B. Journey of the 26th Kansas State Senate District and moves pursuant to Rule 11 of the Rules of the Kansas State Senate that Senate Bill No. 106, An Act Relating to the Public Health and Welfare of all Kansans, identifying major health care issues including public health objectives and priorities and abortion clinic issues, having been referred to the Senate Federal and State Affairs Committee be withdrawn from that Committee and placed upon the Kansas State Senate calendar for the 2nd day of April, 2004, under the heading of General Orders subsequent to adoption of the motion by the body.

In support of his motion, Kansas State Senator Phillip B. Journey, states the following:

That at this late date in the calendar and the finding of Senate President that Senate Bill 106 was materially altered and referred to the Federal State and Affairs Committee there would not be sufficient time for the appropriate committee action to be held and to have the bill referred back to the Committee of the Whole on General Orders.

In 2003, this body passed House Bill 2176 which is substantially the same by an overwhelming margin. While vetoed by the Honorable Governor of the State of Kansas in 2003, significant circumstances have changed regarding the issues evidencing the readily apparent need for regulation of abortion clinics in the State of Kansas.

In the 2004 Legislative Session, House Bill 2751 which was amended into the current Senate Bill 106, the topic of this motion, passed the Kansas House of Representatives on a vote of 80-43.

Regardless of any of the members of this great body's position on a woman's right to choose or abortion, surely we can all agree that if abortions are done in Kansas they should be as safe as they possibly can. It is apparent that abortion clinics in the State of Kansas from time to time have failed to meet even the minimal requirements they are currently required to operate under.

In 2002, numerous violations of Kansas Department of Health and Environment regulations were documented in eastern Kansas. Including activities that directly threaten the health and safety of Kansas residents or out of state patients such as failing to initiate and maintain ongoing infection control programs, having outdated drugs in their inventories and dispersed among other drugs on the shelves in their pharmacies. Testimony presented on February 16, 2004, before the Kansas House Federal and State Affairs Committee alleged numerous incidents of unsanitary conditions. Failures to maintain even minimal medical protocols as

current lawsuits allege that some of these clinics have failed to properly screen, train, and supervise their employees. They also allege that clinics have negligently failed to properly and adequately monitor the conditions of their patients.

Senate Bill 106 would establish regulations and accountability for clinics and offices where abortions are being performed. This bill outlines the minimal standards required to provide quality care to women and gives the Kansas Department of Health and Environment the ability to enforce these standards. These standards have in the past been supported by the National Abortion Federation, the American College of Obstetricians and Gynecologists, and even Planned Parenthood.

On February 16, 2004, testimony was presented before the Kansas House Federal and State Affairs Committee in which one staffer employed as a certified nurses aide was provided no published medical training materials. She stated she was not required to produce a record of immunizations. That she originally applied to be a receptionist and was told when hired it was in the role of surgical assistant. Routinely, vital signs were not taken prior to the surgical procedure. No post-procedure vital signs are taken. Between procedures, clinic instruments were simply rinsed in bleach and not sterilized. Dishwashers were used as sterilizers. The clinic did not have a medical waste pickup service to deal with bio-hazardous materials. It was stated in the testimony that the physician simply disposed of the byproducts of his procedures in their residential trash. A law enforcement affidavit stated the following, "In 2003, I was called to investigate an incident at Dr. "X's" abortion clinic. During the interview phase my partner and I made several observations. First, we noted the clinic appeared dirty. One area was very dark and dingy looking, poorly lit and sort of musty. There were dirty dishes in the sink and on a table top, trash everywhere and roaches crawling across the counter tops. There was an unfamiliar stench in the room. Frankly, I was reluctant to sit down. On the way out my partner observed (and would tell me later) that a procedure room was filthy looking when he looked in it. He told me that he saw dried blood on the floor in this room and the room looked "nasty" to him". The Kansas Board of Healing Arts which regulates physician offices based upon the information presented to me does not appear to have the wherewithal or the motivation to enforce it's own regulations upon physicians in Kansas and therefore I beseech this body to support my motion to withdraw Senate Bill 106 from the Kansas State Senate Federal and State Affairs Committee.

Respectfully,

Phillip B. Journey

On motion of Senator Oleen, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Clark introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843—

A RESOLUTION congratulating and commending the Quinter High School boys basketball team and Coach John Crist for winning the 2004 Class 2A State Basketball championship.

WHEREAS, The Quinter High School boys basketball team won the 2004 Kansas State High School Activities Association Class 2A State Basketball Championship with a thrilling 47 to 46 victory over Pittsburg-Colgan in the state championship game at Manhattan on March 13; and

WHEREAS, The Quinter High School "Bulldogs" basketball team finished the season undefeated with a record of 27 wins and 0 losses. The team defeated St. Marys 70 to 55 in the quarterfinal game and Syracuse 59 to 47 in the semi-final game. The team members

were Blaine Walt, Jay Corwin, Grady Kesler, Ben Machen, Tyler Reed, Ross Benisch, Sage Hemmert, Trevor Blackwill, Peter Eikenberry, Cameron Anderson, Patrick Hargitt and Craig Finger. The head coach was John Crist and Brian Roesch and Bart Briggs were assistant coaches; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Quinter High School boys basketball team and Coach Crist be congratulated and commended for winning the 2004 Kansas State High School Activities Association Class 2A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate provide 16 enrolled copies of this resolution to Gary Feldkamp, Principal, Quinter High School, 600 Long Street, Quinter, KS 67752.

On emergency motion of Senator Clark **SR 1843** was adopted unanimously.

Members of the Quinter High School boys basketball team and their coach, John Crist, were introduced and welcomed.

Senator Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1844—

A RESOLUTION congratulating and commending the Burlington High School boys basketball team and Coach Tim Martin for winning the 2004 Class 3A State Basketball Championship.

WHEREAS, The Burlington High School boys basketball team won the 2004 Kansas State High School Activities Association Class 3A State Basketball Championship with a thrilling 74 to 60 victory over Minneapolis High School in the state championship game, at the Hutchinson Sports Arena on March 13. The team defeated Garden Plain 79 to 59 in the quarterfinal game and Riley County 84 to 62 in the semifinals to get to the championship game; and

WHEREAS, The Burlington High School "Wildcats" basketball team finished an undefeated season with a record of 26 wins and 0 losses. This is the first state basketball championship for Burlington High School; the team set a team record for most wins in a season and scored 2,170 points to its opponents 1,546 points; and

WHEREAS, The town celebrated the team's championship upon the team's return to Burlington about midnight by giving it a police escort and noisy procession to the school where the team was greeted with a host of Wildcat fans; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Burlington High School boys basketball team and Coach Martin be congratulated and commended for winning the 2004 Kansas State High School Activities Association Class 3A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate provide 15 enrolled copies of this resolution to Jim Kuhn, Principal, Burlington High School, 830 Cross Street, Burlington, KS 66839-1103.

On emergency motion of Senator Schmidt **SR 1844** was adopted unanimously.

MESSAGE FROM THE HOUSE

Announcing the House concurs in Senate amendments to **HB 2531** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2600** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2793** and requests the Senate to return the bill.

The House adopts the conference committee report on **HB 2833**.

The House not adopts the conference committee report on **House Substitute for SB 272**, requests a conference and appoints Representatives Neufeld, Bethell and Feuerborn as second conferees on the part of the House.

The House announces the appointment of Representative Toelkes to replace Representative Gilbert as a conferee on **SB 328**.

The House announces the appointment of Representative DeCastro to replace Representative Long-Mast as a conferee on **SB 511**.

The House announces the appointment of Representative O'Neal to replace Representative Patterson and Representative Patterson to replace Representative Goering as a conferees on **HB 2418**.

The House announces the appointment of Representative DeCastro to replace Representative Long-Mast as a conferee on **HB 2658**.

The House announces the appointment of Representative DeCastro to replace Representative Long-Mast as a conferee on **HB 2698**.

Announcing the House adopts the conference committee report on **HB 2675**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2573**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 38, by striking "have a" and inserting "be a person whose"; also in line 38, following "license" by inserting "is currently"; in line 39, by striking all after "revoked"; in line 40, by striking "mitholder";

And your committee on conference recommends the adoption of this report.

ROBERT TYSON
MARK TADDIKEN
JANIS K. LEE
Conferees on part of Senate

BECKY HUTCHINS
JUDY MORRISON
GERALDINE FLAHARTY
Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2573**. On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2604**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 5, in line 17, by striking "when the use"; in line 18, by striking all before the semicolon; in line 27, by striking "File a"; in line 28, by striking "quarterly report" and

inserting "On or before the 20th day of the month following the end of a calendar quarter, file a report for such quarter";

And your committee on conference recommends the adoption of this report.

ROBERT TYSON
MARK TADDIKEN
JANIS K. LEE
Conferees on part of Senate

BECKY HUTCHINS
WILLA DECASTRO
GERALDINE FLAHARTY
Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2604**.
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2698**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 27, by striking "radiography services" and inserting "radiologic technology procedures"; in line 31, by striking "radiography" and inserting "radiologic technology procedures"; in line 33, by striking "may" and inserting "shall"; also in line 33, by striking "such"; also in line 33, by striking "as"; in line 34, by striking "are necessary"; in line 38, before "An" by inserting "(a)";

On page 4, in line 3, after "radiography" by inserting ", radiation therapy or nuclear medicine technology";

And your committee on conference recommends the adoption of this report.

JIM MORRISON
PEGGY LONG-MAST
NANCY A. KIRK
Conferees on part of Senate

SUSAN WAGLE
JIM BARNETT
DAVID HALEY
Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **Sub HB 2698**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE Substitute for Substitute for HB 2713**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as follows:

On page 4, in line 22, by striking “commencing June 30, 2004”;

On page 9, in line 40, by striking all after “by”; in line 41, by striking all before “the”; in line 42, by striking “or boxing commissioner”;

On page 10, in line 20, after “thereto” by inserting a comma;

And your committee on conference recommends the adoption of this report.

PETE BRUNGARDT

ROBERT H. LYON

MARK S. GILSTRAP

Conferees on part of Senate

KENNY A. WILK

LANA GORDON

TOM BURROUGHS

Conferees on part of House

Senator Brungardt moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2713**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgeson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE SUB for HB 2886**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2886, as follows:

On page 2, in line 1, by striking all following “utilities”; in line 2, by striking “1,187” and inserting “or common carriers under article 1 of chapter 66 of the Kansas Statutes Annotated”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS

DAVID ADKINS

CHRISTINE DOWNEY

Conferees on part of Senate

MELVIN NEUFELD

CLARK SHULTZ

BILL FEUERBORN

Conferees on part of House

Senator Morris moved the Senate adopt the Conference Committee Report on **S Sub for HB 2886**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgeson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2912**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2912, as follows:

On page 1, preceding line 33, by inserting the following:

“(g) “Assessment revenues” means the revenues generated directly by the assessments imposed by section 2 and section 7, and amendments thereto, any penalty assessments and all interest credited to the fund under this act, and any federal matching funds obtained through the use of such assessments, penalties and interest amounts.”;

Also on page 1, in line 36, by striking “state” and inserting “the hospital’s”; also in line 36, following the period, by inserting “In the event that a hospital does not have a complete twelve-month 2001 fiscal year, the assessment under this section shall be \$200,000 until such date that such hospital has completed the hospital’s first twelve-month fiscal year. Upon completing such first twelve-month fiscal year, such hospital’s assessment under this section shall be the amount equal to 1.83% of such hospital’s net operating revenue for such first completed twelve-month fiscal year.”; in line 41, following the comma, by inserting “the authority, as defined in K.S.A. 2003 Supp. 76-3304, and amendments thereto,”;

On page 2, in line 8, by striking “quarterly”; in line 9, by striking “, October 19, January 18 and April 19” and inserting “and January 18”; in line 19, by striking “the”, where it appears the third time; in line 20, by striking all preceding the period and inserting “payments for two quarters after the effective date of the payment methodology approved by the centers for medicare and medicaid services”;

On page 3, in line 31, by striking “collected on a quarterly basis and”; in line 36, by striking “quarterly”; in line 37, by striking “, October 19, January 18 and April 19” and inserting “and January 18”; in line 41, by striking “hospitals” and inserting “health maintenance organizations”;

On page 4, in line 5, by striking “the payments”; in line 6, by striking all preceding the period and inserting “payments for two quarters after the effective date of the payment methodology approved by the centers for medicare and medicaid services”;

On page 5, in line 33, following the period by inserting “All moneys received for the assessments imposed by section 2 and section 7, and amendments thereto, including any penalty assessments imposed thereon, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the health care access improvement fund.”;

On page 6, in line 10, following “assessment” by inserting “and the health maintenance organization assessment”; by striking all in lines 11 through 13; in line 14, by striking “(3)” and inserting “(2)”; in line 16, by striking “(4)” and inserting “(3)”; in line 34, by striking “Revenue” and inserting “Assessment revenues”; in line 35, by striking “will” and inserting “shall”; in line 40, by striking “less” and inserting “more”; in line 41, following “surgery” by inserting “or dentistry”; in line 42, by striking the period and inserting “; and

(3) not more than 3.2% of hospital provider assessment revenues shall be used to fund health care access improvement programs in undergraduate, graduate or continuing medical education, including the medical student loan act.”;

Also on page 6, in line 43, by striking “Of the proceeds of” and inserting “Assessment revenues generated from”;

On page 7, in line 1, by striking “credited to the fund” and inserting “shall be disbursed as follows”; in line 6, by striking all after “fund”; in line 7, by striking all before the semicolon and inserting “activities to increase access to dental care, primary care safety net clinics, increased medicaid rates on designated procedures and codes for providers who are persons licensed to practice dentistry, and home and community-based services”; in line 16, following “society” by inserting “, one member appointed by each health maintenance organization that has a medicaid managed care contract with the department of social and rehabilitation services, one member appointed by the Kansas association for the medically underserved,”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS
DAVID ADKINS
CHRISTINE DOWNEY
Conferees on part of Senate

MELVIN NEUFELD
CLARK SHULTZ
BILL FEUERBORN
Conferees on part of House

Senator Morris moved the Senate adopt the Conference Committee Report on **S Sub for HB 2912**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

ORIGINAL MOTION

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **H Sub for SB 272**.

The President appointed Senators Brungardt, Clark and Gilstrap as second conferees on the part of the Senate.

MESSAGE FROM THE HOUSE:

Announcing the House announces the appointment of Representative DeCastro to replace Representative Long-Mast as a conferee on **HB 2760**.

Announcing the House concurs in Senate amendments to **HB 2555** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2622** and requests the Senate to return the bill.

The House adopts the conference committee report on **SB 309**.

The House announces the appointment of Representative Tafanelli to replace Representative Dreher as a conferee on **HB 2563**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2154**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, by striking all in lines 3 through 24;

And by renumbering Sec. 4 as Sec. 2;

On page 1, in the title, by striking all in lines 13 through 15; in line 16, by striking "section" and inserting "concerning construction contracts; relating to indemnification provisions";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2154**.
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amend-ments to **HB 2352**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on con-ference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2352, as follows:

On page 5, after line 1, by inserting the following:

“Sec. 6. K.S.A. 2003 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) A district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette or tobacco infractions or misdemeanor charges, to conduct the preliminary examination of felony charges and to hear felony arraignments subject to assignment pursuant to K.S.A. 20-329 and amendments thereto. Except as otherwise provided, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 2003 Supp. 61-2801 *et seq.*, and amendments thereto, and con-current jurisdiction, powers and duties with a district judge. Except as otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cogni-zance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sound-ing in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 2003 Supp. 61-2801 *et seq.*, and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in K.S.A. 2003 Supp. 61-3801 through 61-3808, and amendments thereto. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

(6) actions for divorce, separate maintenance or custody of minor children. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) *Except as provided in subsection (e)*, hear any action pursuant to the Kansas code for care of children or the Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 23-9,101 *et seq.*, 39-718b, 39-755 or 60-1610 or K.S.A. 23-4,105 through 23-4,118, 23-4,125 through 23-4,137, 38-1542, 38-1543 or 38-1563, and amendments thereto; or (C) enforce orders granting visitation rights or parenting time;

(7) habeas corpus;

- (8) receiverships;
- (9) change of name;
- (10) declaratory judgments;
- (11) mandamus and quo warranto;
- (12) injunctions;
- (13) class actions;
- (14) rights of majority; and
- (15) actions pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

- (1) Grant a restraining order, as provided in K.S.A. 60-902 and amendments thereto;
- (2) appoint a receiver, as provided in K.S.A. 60-1301 and amendments thereto; and
- (3) make any order authorized by K.S.A. 60-1607 and amendments thereto.

(c) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge shall be tried and determined *de novo* by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge.

(d) *Except as provided in subsection (e)*, upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

(e) *Upon motion of a party for a petition or motion filed under the Kansas code for care of children requesting termination of parental rights pursuant to K.S.A. 38-1581 through 38-1587, and amendments thereto, the chief judge shall reassign such action from a district magistrate judge to a district judge.*

Sec. 7. K.S.A. 75-3120k is hereby amended to read as follows: 75-3120k. (a) The annual salary of district magistrate judges shall be paid in equal installments each payroll period in accordance with this section.

(b) Subject to the provisions of subsection (c) and except as otherwise provided in K.S.A. 75-3120l and amendments thereto, the annual salary of district magistrate judges shall be ~~93,660~~ \$47,416.

~~(c) The district magistrate judge in position one of Atchison county shall receive an annual salary equal to 1/2 of the annual salary provided for in subsection (b);~~

~~(d) No Within the limits of the appropriations therefor, the county or counties comprising the judicial district may supplement the salary of, or pay any compensation to, any district magistrate judge.”;~~

And by renumbering the remaining sections accordingly;

Also on page 5, in line 2, by striking “and” where it appears the first time and inserting a comma; also in line 2, after “12-4213” by inserting “and 75-3120k”; in line 3, after “Supp.” by inserting “20-302b and”;

On page 1, in the title, in line 9, by striking “municipal court” and inserting “courts; relating to the jurisdiction and salaries of district magistrate judges”; in line 10, after “powers” by inserting “of municipal courts”; also in line 10, by striking “and” and inserting a comma; in line 11, after “4213” by inserting “and 75-3120k”; also in line 11, after “Supp.” by inserting “20-302b and”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **S Sub for HB 2352**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Journey.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2731**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, after line 14, by inserting:

"Section 1. K.S.A. 2003 Supp. 32-968 is hereby amended to read as follows: 32-968.

(a) The department is hereby authorized and directed to develop a report containing recommendations for the establishment of a landowner deer management program. The report shall include recommended procedures, requirements and guidelines to provide qualified landowners an allotment of antlered and antlerless deer permits that may be transferred by the landowner to resident or nonresident deer hunters for use on such landowner's property and may include such other recommendations as the department finds appropriate. Such report shall be presented to the senate natural resources committee and the house tourism and parks committee on or before January 15, 2004.

(b) *The department is hereby authorized to implement a pilot program not to exceed five project locations for the landowner deer management program. Landowners who participate in the landowner deer management program shall not be eligible to apply for and receive nonresident deer permits pursuant to subsection (o) of K.S.A. 32-937, and amendments thereto. Deer permits authorized for the program shall be restricted to the property described in the individual plan and the number of permits shall be established in an agreement with the landowner and the department using criteria developed by the department. Permits issued through the landowner deer management program shall not be part of the nonresident deer permit allocation allowed under subsection (m) of K.S.A. 32-937, and amendments thereto. The secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations providing for the implementation and evaluation of the pilot program and issuance of permits within the landowner deer management program. The provisions of this subsection shall expire January 1, 2008.*;

Also on page 1, in line 15, by striking "Section 1." and inserting "Sec. 2.";

By renumbering the remaining sections accordingly;

On page 2, in line 39, by striking "environment" and inserting "tourism and parks"; in line 43, by striking "is" and inserting "and K.S.A. 2003 Supp. 32-968 are";

In the title, in line 10, by striking "hunting; relating to" and inserting "wildlife; authorizing implementation of a landowner deer management pilot program; providing for certain"; in line 12, before "and" by inserting "and K.S.A. 2003 Supp. 32-968"; also in line 12, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

ROBERT TYSON
 MARK TADDIKEN
 JANIS K. LEE
Conferees on part of Senate
 BECKY HUTCHINS
 JUDY MORRISON
 GERALDINE FLAHARTY
Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2731**. On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2760**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, after line 30, by inserting the following:

“Sec. 2. K.S.A. 2003 Supp. 76-3304 is hereby amended to read as follows: 76-3304. (a) There is hereby established a body politic and corporate, with corporate succession, to be known as the university of Kansas hospital authority. The authority shall be an independent instrumentality of this state. Its exercise of the rights, powers and privileges conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) The authority shall be governed by a nineteen-member board of directors. Thirteen of the members *shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Members appointed by the governor* shall be representatives of the general public who are recognized for outstanding knowledge and leadership in the fields of finance, business, health-care management, health care providers, legal affairs, education or government. Of the 13 members representing the general public, there shall be at least one member from each congressional district. Six members shall be ex officio voting members consisting of the chancellor of the university of Kansas, the executive vice chancellor of the university of Kansas medical center, the executive dean of the university of Kansas school of medicine, the chief of staff of the university of Kansas hospital medical staff, the president of the authority and the dean of the university of Kansas school of nursing.

~~(c) The 13 members representing the general public appointed to the board shall be appointed by the governor pursuant to subsection (f) and subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member prior to such termination.~~

~~(d) On the effective date of this act~~

(c) On April 18, 2002, the terms of the general public board members then serving on the board shall expire, and, pursuant to subsection ~~(f)~~ (e), the governor shall reappoint all such general public board members. Of the general public members appointed to the board by the governor under this section, three shall have a term of office of one year, three shall have a term of office of two years, three shall have a term of office of three years and four shall have a term of office of four years. Terms of general public members ~~appointed pursuant to this section~~ shall expire on March 15. Any general public member whose term expires under this ~~section~~ subsection and thereafter is reappointed under this ~~section~~ subsection shall be exempt ~~to from~~ the requirements of subsection ~~(f)~~ (e) for the term of office appointed under this ~~section~~ subsection.

~~(e)~~ (d) After the board of directors is appointed under subsection ~~(f)~~ (c), members other than ex officio shall be appointed for a term of four years each, ~~except in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint, in the manner provided by subsection (e), a qualified successor to fill the unexpired term.~~ Each member shall hold office for the term of appoint-

ment and until the successor has been *appointed and* confirmed. Any member is eligible for reappointment, but members shall not be eligible to serve more than three consecutive four-year terms, except that this limitation shall not include any previous term of office of any general public member serving on the board on ~~the effective date of this act~~ *April 18, 2002*.

⌘ (e) When a vacancy occurs or is announced regarding a member or members representing the general public, a nominating committee of the board after receiving input from the board and conferring with the board shall assemble a slate of not less than two nor more than three persons for each vacancy and shall forward each slate to the governor. The governor shall appoint one board member from each slate and shall forward each appointment to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2002 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate.

⌘ (f) The terms of members serving by virtue of their office shall expire immediately upon termination of their holding such office.

⌘ (g) The board annually shall elect one of their number as chairperson and another as vice-chairperson. The board also shall elect a secretary and treasurer for terms determined by the board. The same person may serve as both secretary and treasurer. The board shall establish an executive committee, nominating committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the board as the board may delegate.

⌘ (h) Members of the board of directors of the authority shall serve without compensation. Members of the board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid mileage and all other applicable expenses, provided such expenses are consistent with policies established from time-to-time by the authority's board of directors and as required by subsection ⌘ (i).

⌘ (i) No part of the funds of the authority shall inure to the benefit of, or be distributed to, its employees, officers or members of the board, except that the authority may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the authority shall be authorized and empowered to pay reasonable compensation for services rendered to or for its benefit relating to any of its lawful purposes including to pay its employees reasonable compensation.

⌘ (j) Any member of the board of directors other than an ex officio member may be removed by an affirmative vote of 10 of the members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, or for any cause which renders the member incapable of or unfit to discharge the duties of director.

⌘ (k) The board shall meet at least six times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors. The board may adopt, repeal and amend such rules, procedures and bylaws, not contrary to law or inconsistent with this act, as it deems expedient for its own governance and for the governance and management of the authority. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of 10 members for approval. The board shall meet for the initial meeting upon call by the chancellor of the university of Kansas who shall act as temporary chairperson until officers of the board are elected pursuant to subsection ⌘ (g).

⌘ (l) The board shall appoint a president who shall serve at the pleasure of the board. The president shall serve as the chief executive officer of the authority. The president's salary shall be set by the board. The board may negotiate and enter into an employment agreement with the individual selected as president of the authority which may provide for compensation allowances, benefits and expenses as may be included in such agreement. The president shall direct and supervise administrative affairs and the general management of the authority. The president, as a member of the board of directors, may not vote on such president's salary.

(m) The board may provide to the president of the authority and other employees designated by the board supplemental benefits in addition to the benefits provided in K.S.A. 2002 Supp. 76-3322, and amendments thereto.

(n) The authority shall continue until terminated by law, except that no such law shall take effect so long as the authority has bonds outstanding, unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the state, university of Kansas medical center or other hospital entity as designated by the board and approved by act of the Kansas legislature.”;

And by renumbering sections accordingly;

Also on page 2, in line 31, by striking “65-441a” and inserting “76-3304”;

On page 1, in the title, in line 12, after “65-468” by inserting “and K.S.A. 2003 Supp. 76-3304”; in line 13, by striking all after “existing”; in line 14, by striking “65-441a” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

SUSAN WAGLE

JIM BARNETT

DAVID HALEY

Conferees on part of Senate

JIM MORRISON

WILLA DECASTRO

NANCY A. KIRK

Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2760**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2880**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 41, by striking “the justices” and inserting “a majority”;

On page 2, in line 29, before “(2)” by inserting “and”; in line 30, by striking “; and (3) the”; by striking all in line 31; in line 32, by striking “and responsibilities”;

On page 3, in line 25, by striking “(a)”;

On page 4, by striking all in lines 28 through 36;

On page 5, in line 6, by striking all after “justice”; in line 7, by striking all before the period;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

MICHAEL O'NEAL

DOUG PATTERSON

JANICE L. PAULS

Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2880**. On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley, Journey.

The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2682** be passed.

Committee on **Education** recommends **HB 2937** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2937," as follows:

"SENATE Substitute for HOUSE BILL No. 2937

By Committee on Education

"AN ACT concerning school districts; relating to school finance and the sources of revenue therefor; amending K.S.A. 72-6405, 72-6413 and 72-6414 and K.S.A. 2003 Supp. 58-3935, 58-3950, 72-6407, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-6440 and K.S.A. 2003 Supp. 79-3603c, 79-3620c and 79-3710a.";

and the substitute bill be passed.

Also, **HB 2940**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2940," as follows:

"SENATE Substitute for HOUSE BILL NO. 2940

By Committee on Education

"AN ACT concerning school finance; relating to sources of revenue therefor; amending K.S.A. 72-979, 72-6410, 72-6413, 72-6414, 72-6433 and 72-6441 and K.S.A. 2003 Supp. 72-978, 72-6407, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 79-3603c, 79-3620c and 79-3710a.";

and the substitute bill be passed.

ORIGINAL MOTION

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2940** was advanced to the calendar under the heading of General Orders.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 562** be amended by adoption of the committee amendments, and the bill be passed as amended.

S Sub for HB 2940 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Adkins on page 37 of the typed version of the bill, in line 26, by striking all after "shall"; by striking all in lines 27, 28 and 29 and inserting "adopt a resolution authorizing the adoption of such budget. The resolution shall be published once in a newspaper having general circulation in the district. The resolution shall be in the same form and subject to the same requirements of subsection (a)(2)(B) of this section, except that the period of time in which a protest petition is required to be filed shall be 20 days. If a sufficient petition is filed, such budget shall not be adopted unless the resolution is submitted to and approved by a majority of the qualified electors of the district voting thereon. Such question shall be submitted at a primary or general election.", and **S Sub for HB 2940** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a ⅔ constitutional majority, and **SB 562**; **S Sub for HB 2940** were advanced to Final Action and roll call.

SB 562, An act concerning state agencies; allowing state agencies to purchase collision and comprehensive coverage for vehicles; amending K.S.A. 74-4707 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgeson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The bill passed, as amended.

S Sub for HB 2940, An act concerning school finance; relating to sources of revenue therefor; amending K.S.A. 72-979, 72-6410, 72-6413, 72-6414, 72-6433 and 72-6441 and K.S.A. 2003 Supp. 72-978, 72-6407, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 79-3603c, 79-3620c and 79-3710a.

On roll call, a call of the Senate was requested by five senators. The vote was: Yeas 16, Nays 23, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barone, Betts, Brungardt, Buhler, Downey, Goodwin, Haley, Hensley, Kerr, Lee, Oleen, Steineger, Teichman, Vratil.

Nays: Barnett, Brownlee, Bunten, Clark, Corbin, Donovan, Emler, Gilstrap, Helgeson, Huelskamp, Jackson, Jordan, Journey, Lyon, Morris, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Tyson, Umbarger, Wagle.

Absent or Not Voting: O'Connor.

A constitutional majority having failed to vote in favor of the bill, **S Sub for HB 2940** did not pass.

On motion of Senator Hensley the call of the Senate was lifted.

EXPLANATION OF VOTE

MR. PRESIDENT: While I strongly support our public schools, I cannot support the massive tax increase in **HB 2940**. It would increase taxes on the already over-taxed Kansans to the tune of \$1.23 billion over the next five years. The best economic analysis indicates these tax increases will cause 3,450 Kansans to lose their jobs. That is an economic cost we cannot afford.—TIM HUELSKAMP

Senator Lyon requests the record to show he concurs with the "Explanation of Vote" offered by Senator Huelskamp on **HB 2940**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 309**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 35, by striking "\$20,000" and inserting "\$5,000";

On page 2, in line 37, by striking "\$5,000" and inserting "\$2,000"; in line 42, by striking "\$50,000" and inserting "\$10,000";

On page 3, following line 14, by inserting the following:

"Sec. 3. K.S.A. 66-274 is hereby amended to read as follows: 66-274. Any railroad company or corporation operating a line of railroad in Kansas failing or neglecting to comply with K.S.A. 66-273, and amendments thereto, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine as follows: ~~Fifty~~ *One hundred* dollars if the blocking is for more than 10 minutes but less than 20 minutes; ~~\$150~~ *\$300* if the blocking is for more than 20 minutes but less than 30 minutes; ~~\$300~~ *\$600* if the blocking is for ~~more than~~ 30 minutes *and \$600 for each additional 30 minutes if the blocking is for more than 30 minutes.*

No member of a railroad train, yard, or engine crew shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances regulating or intended to regulate the occupying or blocking of any street, road or highway crossing-at-grade by trains or passenger or freight cars upon reasonable proof that such person's action was necessary due to circumstances beyond such person's control, or to comply with the order or instructions, either written or verbal, of the person's employer or officers or supervisory officials. Nothing in this section shall relieve the employer or railroad from any responsibility placed upon such employer or railroad by any such state law or any municipal ordinance.”;

By renumbering the remaining sections accordingly;

Also on page 3, in line 15, by striking “and 66-177” and inserting “, 66-177 and 66-274”;

In the title, in line 14, following “to” by inserting “fines and penalties; concerning”; also in line 14, by striking all following the semicolon; in line 15, by striking “penalties” and inserting “relating to railroad companies”; also in line 15, by striking “and 66-177” and inserting “, 66-177 and 66-274”;

And your committee on conference recommends the adoption of this report.

CARL DEAN HOLMES

CARL C. KREHBIEL

ANNIE KUETHER

Conferees on part of House

STAN CLARK

JAY SCOTT EMLER

JIM BARONE

Conferees on part of Senate

Senator Clark moved the Senate adopt the Conference Committee Report on **SB 309**.

On roll call, the vote was: Yeas 29, Nays 10, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Downey, Emler, Gilstrap, Goodwin, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Lee, Lyon, Morris, Pugh, Salmans, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger.

Nays: Adkins, Corbin, Donovan, Haley, Journey, Kerr, Oleen, Schmidt, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2143**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 7, by striking all in lines 23 through 31 and inserting:

“On and after January 1, 2005, any person issued a license plate under this section may request a decal for each license plate indicating the appropriate military branch in which the person served.”;

Also on page 7, in line 32, by striking “(c)” and inserting “(b)”;

On page 8, in line 2, by striking “(d)” and inserting “(c)”; in line 5, by striking “(e)” and inserting “(d)”; in line 10, by striking “(c)” and inserting “(b)”;

following line 13, by inserting:
“(e) On and after January 1, 2005, any person issued a license plate under this section, upon submitting satisfactory proof to the director of vehicles in accordance with rules and regulations adopted by the secretary, that such person was awarded a silver star or bronze star medal by the United States government, may request a decal for each license plate indicating the person was a recipient of a silver star or bronze star medal or both.

(f) A fee of \$2 shall be paid for each decal issued under subsection (a) or (e). The director of vehicles shall design such decals. Such decals shall be affixed to the license in the location required by the director.”;

On page 11, by striking all in lines 31 through 43;

On page 12, by striking all in lines 1 through 43;

On page 13, by striking all in lines 1 through 43;
 On page 14, by striking all in lines 1 through 43;
 On page 15, by striking all in lines 1 through 43;
 On page 16, by striking all in lines 1 through 43;
 On page 17, by striking all in lines 1 through 29;
 By renumbering sections accordingly;
 On page 18, in line 20, by striking all following "K.S.A."; in line 21, by striking "1,140,";
 also in line 21, by striking "8-1,145,";
 In the title, in line 17, by striking all preceding "8-1,141"; in line 18, by striking "8-1,145,";
 And your committee on conference recommends the adoption of this report.

LESLIE D. DONOVAN
 LARRY D. SALMANS
 GRETA GOODWIN
Conferees on part of Senate

GARY K. HAYZLETT
 JOHN FABER
 MARGARET E. LONG
Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **Sub HB 2143**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on Senate amendments to **HB 2293**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, after line 16, by inserting the following:

"Section 1. K.S.A. 2003 Supp. 19-805a is hereby amended to read as follows: 19-805a. In all counties ~~having a population in excess of 100,000~~, the sheriff shall have authority to appoint so many special deputies as the sheriff deems proper and for whose official acts the sheriff shall be responsible. Before an appointment shall be made the sheriff or marshal of the district court shall have the right to demand an indemnity bond before any commission as special deputy shall be issued. The appointments may be revoked at the pleasure of the appointing officer, except that all appointments made by a sheriff pursuant to this section shall automatically be revoked at the time that such appointing sheriff's service as sheriff concludes. Except as provided by K.S.A. 2003 Supp. 19-827, *and amendments thereto*, a special deputy appointed under this section shall not receive any payment, for services rendered, from public funds.

Sec. 2. K.S.A. 2003 Supp. 19-805b is hereby amended to read as follows: 19-805b. Except as provided by K.S.A. 2003 Supp. 19-827, *and amendments thereto*, special deputies appointed pursuant to K.S.A. 19-805a, and amendments thereto, may be limited in their authority to perform the acts of a peace officer in or about certain specified premises or relating thereto *or to provide crime prevention or security services on or about any public facility or property when so directed by the sheriff*, but shall have a general right in event of riot, sabotage, *terroristic attack* or serious disturbances or breach of the peace to call

upon and deputize any other peace officer or private citizen to assist such special deputy in quelling such ~~riot or disturbance~~ events.

Sec. 3. K.S.A. 2003 Supp. 19-828 is hereby amended to read as follows: 19-828. Any county in the state of Kansas which borders another state, with the agreement of the sheriff, may enter into agreement with the political subdivisions in such other state's contiguous county to form a multijurisdictional law enforcement group for the enforcement of drug and controlled substances laws *or for the prevention, detection or investigation of any terrorist activity*. Such other state's law enforcement officers may be deputized as officers of the counties of this state participating in such an agreement and shall be deemed to have met all requirements of law enforcement training and certification required under K.S.A. 74-5601 *et seq.* and amendments thereto if such officers have satisfied the applicable law enforcement officer training and certification standards in force in such other state. Such other state's law enforcement officers shall have the same powers and immunities as law enforcement officers certified and commissioned in Kansas while conducting investigations to enforce drug and controlled substances laws *or engaged in the prevention, detection or investigation of terrorist activity* with the multijurisdictional enforcement group.”;

And by renumbering the remaining sections accordingly;

On page 8, in line 8, following the stricken material by inserting “No sheriff in this state shall charge any mileage for serving any papers or process.”; in line 38, after “Supp.” by inserting “19-805a, 19-805b, 19-828,”;

Also on page 1, in the title, in line 12, by striking “fees for services by”; also in line 12, after the semicolon by inserting “fees for services; special deputies; multijurisdictional agreements;”; in line 13, after “Supp.” by inserting “19-805a, 19-805b, 19-828,”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2293**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on Senate amendments to **Substitute for HB 2516**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 18, by striking “4” and inserting “5”;

On page 2, by striking all in lines 1 through 7; following line 12, by inserting:

“New Sec. 3. Upon application, the commission shall provide for recovery of capital expenditures for construction or upgrade of any electric transmission line or appurtenances over a period of 15 years, unless: (a) The commission determines there is good cause to deny the application; or (b) recovery of capital expenditures for construction or upgrade of the transmission line or appurtenances is already provided for by tariffs and rates approved by the federal energy regulatory commission or its successors.

New Sec. 4. Any entity which, on or after January 1, 2004, constructs in this state new or expanded electric generation facilities having a capacity of at least 100 kilowatts may either grant or lease interconnection facilities to transmission operators, upon agreement between the entity and operator and approval by the commission.”;

By renumbering the remaining sections accordingly;

And your committee on conference recommends the adoption of this report.

STAN CLARK
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

CARL DEAN HOLMES
TOM SLOAN
ANNIE KUETHER
Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **Sub HB 2516**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgeson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2652**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, by striking all in lines 1 through 4 and inserting:

“(b) Subject to the provisions of subsection (c), if all mineral and royalty owners and not less than 90% of the working interest owners approve, in writing, a contract for the unit operation of a pool or part thereof, such unit operations shall become effective without application to or order by the state corporation commission.

(c) Before a contract for the unit operation of a pool or part thereof shall become effective pursuant to subsection (b), the person or persons wishing to provide for the unit operation shall file a copy of the contract with the state corporation commission and shall notify all working interest owners of the intention to conduct the unit operation. Such notice shall be in the manner provided by law for notice of an application requesting an order for the unit operation of a pool or part thereof. The notice shall inform the working interest owner of the right to institute proceedings within 30 days after receipt of the notice to have the matter determined by the state corporation commission. Any working interest owner, within 30 days after receipt of the notice, may institute proceedings before the state corporation commission to determine the matter in accordance with the provisions of K.S.A. 55-1301 et seq., and amendments thereto. If no such proceedings are instituted, the contract shall become effective upon expiration of the 30-day period.”;

Also on page 2, by relettering subsection (c) as subsection (d);

And your committee on conference recommends the adoption of this report.

STAN CLARK
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

CARL DEAN HOLMES

CARL C. KREHBIEL

ANNIE KUETHER

Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2652**. On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2748**, **HB 2902** be passed.

Also, **HB 2749**, as amended by House Committee of the Whole, be amended on page 2, in line 7, by striking "state" and inserting ", if any"; and the bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing the House adopts the Conference Committee Report to agree to disagree on **SB 487** and has appointed Representatives Neufeld, Schultz and Feuerborn as second conferees on the part of the House.

The House concurs in Senate amendments to **HB 2798** and requests the Senate to return the bill.

Announcing the House adopts the conference committee report on **HB 2573**.

The House adopts the conference committee report on HB 2604.

The House adopts the conference committee report on **Substitute HB 2698**.

The House adopts the conference committee report on **Senate Substitute for Substitute HB 2713**.

The House adopts the conference committee report on **Senate Substitute for HB 2912**.

The House adopts the conference committee report on **SB 501**.

The House announces the appointment of Representative DeCastro to replace Representative Long-Mast as a conferee on **HB 2658**.

ORIGINAL MOTION

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2937** was advanced to the calendar under the heading of General Orders.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

The committee report on **HB 2937** recommending a **S Sub for HB 2937** be adopted, and the substitute bill be passed.

A motion by Senator Adkins to amend **S Sub for HB 2937** failed and the following amendment was rejected: on page 6 of the typed version of the bill, in line 2, by striking all following "and" and inserting "in an amount that is at least 25% of the state financial aid determined for the district in the current school";

On page 30, following line 23, by inserting:

"Sec. 13. K.S.A. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, ~~in the 2001-02 school year and in each school year thereafter~~, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage ~~in the 2001-02 school year and each school year thereafter~~ that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the ~~2001-02~~ 2004-05 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget

and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate,

at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

(b) The provisions of this subsection (b) shall be subject to the provisions of K.S.A. 72-6433a, and amendments thereto.

(1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

(2) No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

(3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed _____% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

(9) As used in this subsection:

(A) "Authorized to increase a local option budget" means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2)(A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

(B) "State prescribed percentage" means ~~25%~~ 30%.

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

Sec. 14. K.S.A. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy

which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The board of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, and (B) is authorized to adopt and has adopted a local option budget in an amount ~~equal to the state prescribed percentage that is at least 25%~~ of the amount of state financial aid determined for the district in the current school year, and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.”;

By renumbering remaining sections accordingly;

Also on page 30, in line 24, by striking “and 72-6440” and inserting “, 72-6433, 72-6440 and 72-6441”;

In the title, in line 3, by striking “and 72-6414” and inserting “, 72-6414, 72-6433 and 72-6441”

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a ⅔ constitutional majority, and **S Sub for HB 2937** was advanced to Final Action and roll call.

S Sub for HB 2937, An act concerning school districts; relating to school finance and the sources of revenue therefor; amending K.S.A. 72-6405, 72-6413 and 72-6414 and K.S.A. 2003 Supp. 58-3935, 58-3950, 72-6407, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-6440 and K.S.A. 2003 Supp. 79-3603c, 79-3620c and 79-3710a.

On roll call, the vote was: Yeas 12, Nays 25, Present and Passing 2, Absent or Not Voting 1.

Yeas: Allen, Brungardt, Buhler, Donovan, Emler, Kerr, Morris, Oleen, Schodorf, Taddiken, Umbarger, Vratil.

Nays: Adkins, Barnett, Barone, Betts, Brownlee, Bunten, Clark, Corbin, Downey, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Lee, Lyon, Pugh, Salmans, Schmidt, Steineger, Tyson, Wagle.

Present and Passing: Journey, Teichman.

Absent or Not Voting: O'Connor.

A constitutional majority having failed to vote in favor of the bill, **S Sub HB 2937** did not pass.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 501**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 through 6;

On page 7, by striking all in line 1; in line 2, by striking "New Sec. 3." and inserting "New Section 1."; by striking all in lines 35 through 37; in line 38, by striking "(c)" and inserting "(b)";

And by renumbering the remaining sections accordingly;

On page 8, in line 1, by striking "\$500,000" and inserting "\$1,000,000";

On page 9, in line 5, by striking "8-2118,";

In the title, in line 10, by striking all following "ACT"; in line 11, by striking all preceding "relating"; in line 12, by striking "8-2118,";

And your committee on conference recommends the adoption of this report.

GARY K. HAYZLETT

JOHN FABER

MARGARET E. LONG

Conferees on part of House

LESLIE D. DONOVAN

LARRY D. SALMANS

GRETA GOODWIN

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 501**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE Substitute for Substitute for HB 2593**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 17 through 39; in line 43, after "industry" by inserting ", and subject to the provisions of subsection (d), to promulgate rules and regulations,";

On page 2, after line 10, by inserting the following:

"(c) The livestock commissioner is authorized to prepare for the implementation of a premises registration program for Kansas prior to implementation of a national animal identification or premises registration program. Such acts in preparation shall include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the department of agriculture of a proposal regarding infrastructure necessary for such implementation.";

Also on page 2, in line 11, by striking "Sec. 2. (a)" and inserting "(d)"; in line 15, by striking all after the comma; by striking all in line 16; in line 17, by striking all before "the"; in line 18, by striking "issue" and inserting "promulgate"; in line 20, by striking "Sec. 3." and inserting "(e)"; in line 22, by striking "one employee" and inserting "two employees"; in line 23, by striking "act" and inserting "section"; in line 24, by striking "Sec. 4." and inserting "(f)"; in line 28, by striking "act" and inserting "section"; in line 29, by striking "Sec. 5." and inserting "(g)"; also in line 29, by striking "act" and inserting "section"; in line 30, by striking "by owners of premises or animals"; in line 32, after the period, by inserting "The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection."; in line 33, by striking "Sec. 6." and inserting "(h)"; in lines 34 and 43, before "animal" by inserting "premises registration or"; in line 38, before "animal" by inserting "premises registration and"; after line 43, by inserting the following:

"(i) The livestock commissioner shall form study groups representing the various animal species to be affected by the provisions of this section. Each such study group shall include representatives for each such specie selected by the livestock commissioner and shall include assistance from the secretary of agriculture or the secretary's designees. Each such study group shall make recommendations to the livestock commissioner regarding the definition of premises for purposes of the program, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and other issues related to the administration of the program.";

On page 3, in line 1, by striking "Sec. 7." and by inserting "(j)"; in line 3, before "animal" by inserting "premises registration and"; in line 4, by striking "premise" and inserting "premises"; in line 8, by striking "act" and inserting "section"; after line 8, by inserting the following:

"(k) The provisions of this section shall expire on May 15, 2005.";

And by renumbering sections accordingly;

On page 4, by striking all in lines 4 and 5;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, before "animal" by inserting "food safety; premises registration and"; in line 13, after "livestock" by inserting "producers";

And your committee on conference recommends the adoption of this report.

DEREK SCHMIDT
TIM HUELSKAMP
JANIS K. LEE
Conferees on part of Senate

DAN JOHNSON
MICHAEL O'NEAL
JAMES F. MILLER
Conferees on part of House

Senator Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2593**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: O'Connor.

The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2899**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2899," as follows:

"SENATE Substitute for HOUSE BILL No. 2899

By Committee on Ways and Means

"AN ACT concerning fees for services provided by the state treasurer's office; establishing the treasurer services reimbursement fund.;"

and the substitute bill be passed.

Also, **HB 2939** be amended on page 2, after line 11, by inserting the following:

"Sec. 2. K.S.A. 44-661 is hereby amended to read as follows: 44-661. (a) There is hereby established the Kansas apprenticeship council within the department of human resources. The Kansas apprenticeship council shall be composed of nine members as follows:

(1) Four members representative of management appointed by the secretary of human resources;

(2) four members representative of labor appointed by the secretary of human resources; and

(3) the secretary of human resources or the secretary's designee.

In making such appointments, the secretary of human resources shall consider all persons nominated for membership on the council by statewide trade associations, employer groups and state labor organizations. All members appointed or designated by the secretary of human resources shall possess considerable knowledge of apprenticeship and apprenticeship programs.

(b) *The terms of the four current members representing management and the four current members representing labor shall expire on February 29, 2004. For terms beginning March 1, 2004, the secretary of human resources shall appoint one representative of management and one representative of labor to terms of one year, one representative of management and one representative of labor to terms of two years, one representative of management and one representative of labor to terms of three years and one representative of management and one representative of labor to terms of four years. Thereafter members appointed by the secretary of human resources shall be appointed to four-year terms and shall serve until their successors are appointed and qualified. A quorum shall consist of any five members other than the secretary or the secretary's designee. Each member shall have one vote on all matters before the council, except that the secretary or the secretary's designee may cast a vote only in cases of tie votes. Any vacancy shall be filled by appointment for the remainder of the unexpired term.*

(c) The Kansas apprenticeship council shall organize annually by electing a chairperson and a vice-chairperson from among the members appointed by the secretary of human resources as representative of management or labor. When a member representative of labor is chairperson of the council, a member representative of management shall be vice-chairperson. When a member representative of management is chairperson of the council, a member representative of labor shall be vice-chairperson. In the absence of the chairperson, the vice-chairperson shall exercise all powers of the chairperson. The council may adopt such rules of procedure as it may deem to be required for operation.

(d) The Kansas apprenticeship council shall meet regularly on a bimonthly basis and at such other times as determined by the council. Meetings may be held at locations within

the state which will best promote the purposes of the council and apprenticeship and as may be required in the performance of the powers, duties and functions of the council. Members of the Kansas apprenticeship council attending meetings thereof, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Such amounts shall be paid pursuant to vouchers approved by the chairperson of the Kansas apprenticeship council and by the secretary of human resources or a person or persons designated therefor by the secretary.

(e) The secretary of human resources shall provide to the Kansas apprenticeship council such clerical, secretarial and other staff assistance as may be requested by the council for the performance of the powers, duties and functions of the council.;

And by renumbering sections accordingly;

Also on page 2, in line 12, after "K.S.A." by inserting "44-661 and"; also in line 12, by striking "is" and inserting "are";

On page 1, in the title, in line 9, after "concerning" by inserting "certain boards and councils; relating to"; in line 10, after the semicolon, by inserting "concerning the Kansas apprenticeship council.;" also in line 10, after "K.S.A." by inserting "44-661 and"; also in line 10, by striking "section" and inserting "sections"; and the bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **HB 2154**.

The House adopts the conference committee report on **HB 2352**.

The House adopts the conference committee report on **HB 2731**.

The House adopts the conference committee report on **HB 2760**.

The House not adopts the conference committee report on **HB 2880**, requests a conference and appoints Representatives O'Neal, Patterson and Pauls as second conferees on the part of the House.

The House adopts the Conference Committee Report to agree to disagree on **Substitute SB 335** and has appointed Representatives D. Johnson, Powell and Gatewood as **second** conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 335**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

DAN JOHNSON
DOUG GATEWOOD
Conferees on part of House

DEREK SCHMIDT
TIM HUELSKAMP
JANIS K. LEE
Conferees on part of Senate

On motion of Senator Schmidt , the Senate adopted the conference committee report on **Sub SB 335**, and requested a new conference committee be appointed.

The President appointed Senators Schmidt, Huelskamp and Lee as a second Conference Committee on the part of the Senate on **Sub SB 335**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 487**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MELVIN NEUFELD
CLARK SHULTZ
BILL FEUERBORN
Conferees on part of House

STEPHEN R. MORRIS
DAVID ADKINS
CHRISTINE DOWNEY
Conferees on part of Senate

On motion of Senator Morris, the Senate adopted the conference committee report on **SB 487**, and requested a new conference committee be appointed.

The President appointed Senators Morris, Adkins and Downey as a second Conference Committee on the part of the Senate on **SB 487**.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2880**.

The President appointed Senators Vratil, Schmidt and Goodwin as second conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Betts as a member of the Conference Committee on **HB 2201** to replace Senator Gilstrap.

ORIGINAL MOTION

Having voted on the prevailing side in Final Action on **S Sub for HB 2937**, Senator Jackson moved the Senate reconsider its adverse action on **S Sub for HB 2937**. The motion carried and the bill was returned to Final Action. On motion of Senator Jackson the bill was returned to the calendar under the heading of General Orders.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Friday, April 2, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

